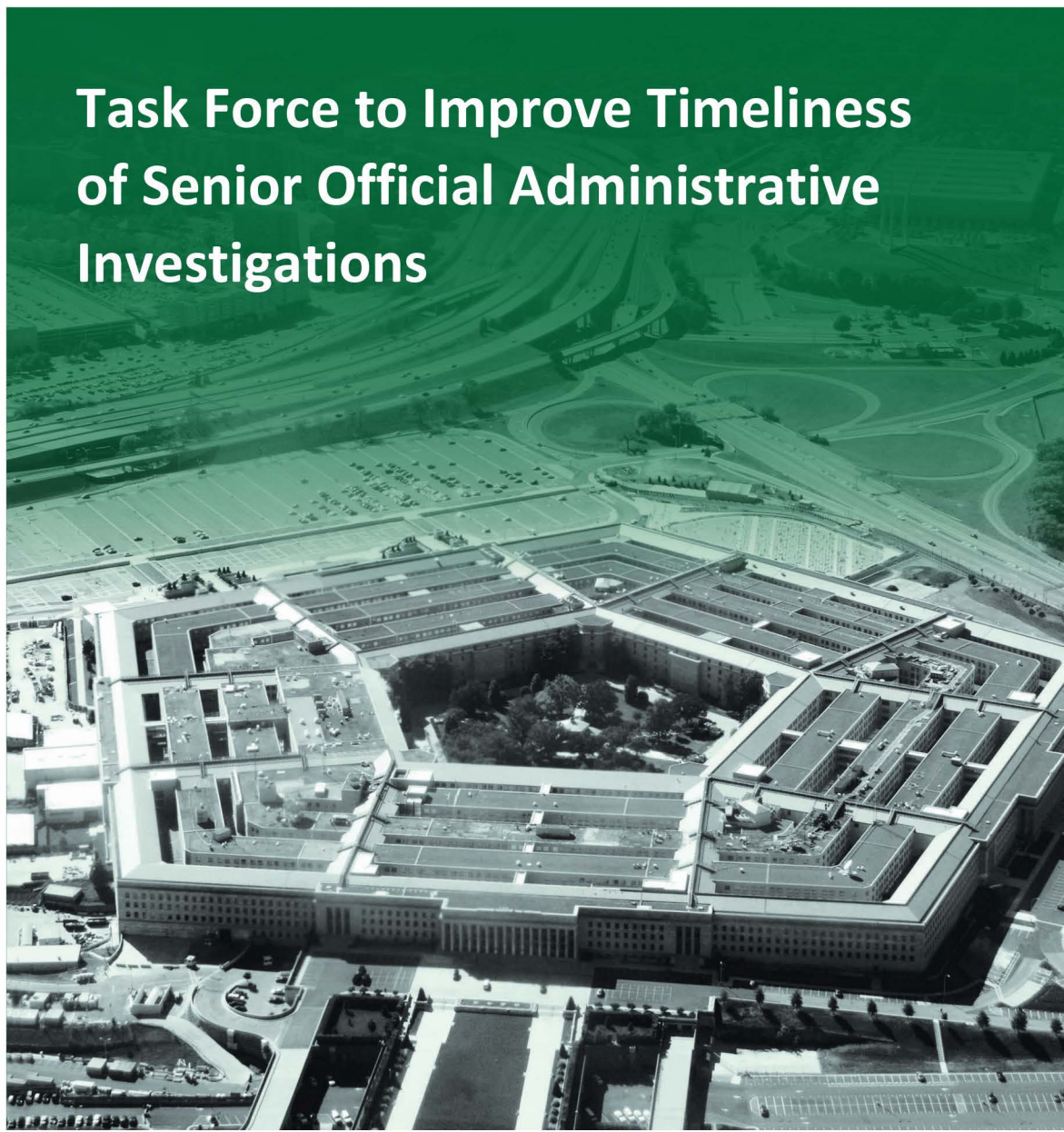# INSPECTOR GENERAL

U.S. Department of Defense

November 4, 2014

Task Force to Improve Timeliness of Senior Official Administrative Investigations

INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

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Results in Brief

Task Force to Improve Timeliness of Senior Official Administrative Investigations

November 4, 2014

Objective

At the request of the Deputy Secretary of Defense, the DoD IG led a task force to review and improve the timeliness of senior official administrative investigations. The task force reviewed data, processes, policies, and resources, and examined proposed changes to conduct more efficient and timely investigations. The task force prepared a plan of action consisting of short-, medium-, and long-range goals to implement the task force recommendations.

Findings

- In FY 2014, the DoD and Service IGs completed 243 senior official investigations in an average of 271 days.
- Timeliness is impacted by volume of work, complexity of cases, and staffing.
- Each Service IG faces staffing cuts that will adversely affect timeliness of investigations.
- Each senior official investigating office has unique processes, different report formats, and different automation tools to record and track investigations.
- Over the last several years, the DoD and Service IGs have updated processes to improve the timeliness of senior official investigations.
- The DoD and Service IGs should prioritize senior official investigations consistent with Department priorities.

Optimal Timeline

The task force recommends incremental goals to complete the majority of priority senior official investigations within 120 days by FY 2017:

- FY 2015: complete majority of priority investigations within 180 days
- FY 2016: complete majority of priority investigations within 150 days
- FY 2017: complete majority of priority investigations within 120 days

Recommendations

The task force recommendations promote the efficient use of resources to improve the timeliness of senior official investigations, while maintaining professional standards to conduct thorough and impartial investigations.

The task force recommends the Deputy Secretary of Defense support adequate resource levels and mission capability for the Inspector General offices throughout the DoD.

The task force recommends the Service Secretaries not impose staff reductions planned for the Military Service Inspectors General and support adequate resource levels and surge capability to enable conducting senior official investigations in a timely manner.

The task force also recommends DoD OIG and the Military Service Inspectors General:

- Deploy the DoD OIG's case tracking system across the Department to increase efficiencies and timeliness throughout the entire investigative cycle.
- Implement a standardized system of investigative milestones.
- Review the intake and investigative processes and implement best practices to increase timeliness and efficiency.
- Conduct uniform training tailored to senior official administrative investigators.
- Conduct recurring staffing studies to gauge progress toward optimal timeliness.

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Overview of Task Force Findings, Recommendations, and Plan of Action

Introduction

Secretary of Defense Chuck Hagel expressed concern regarding the length of time needed to complete senior official administrative investigations across the Department of Defense (DoD). Deputy Secretary of Defense Robert O. Work asked DoD Inspector General (IG) Jon T. Rymer to lead a task force to study ways to improve timeliness of these investigations throughout the Department. By memorandum dated September 5, 2014, Mr. Work asked the Service Secretaries and their respective IGs to support the following task force objectives:

- Develop an "as is" baseline of how DoD IG and each Service IG currently process senior official investigations;

- Develop a "to be" model of best practices to improve timeliness; and

- Provide a report and a plan of action within 60 days.

Governing Instructions/Policies

The Inspector General Act of 1978 requires Inspectors General to adhere to professional standards developed by the Council of Inspectors General on Integrity and Efficiency (CIGIE). CIGIE Quality Standards for Investigations require use of due professional care in conducting investigations and preparing reports. The CIGIE standards further require that investigations be conducted in a timely, efficient, thorough, and objective manner.

DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," June 06, 2013, establishes the authorities and responsibilities of the DoD IG and other DoD Components regarding the notification, conduct, and review of senior official investigations. The directive defines the term "senior official" as:

- An active duty, retired, Reserve, or National Guard military officer in grades O-7 and above, and an officer selected for promotion to O-7 whose name is on the O-7 promotion board report forwarded to the Military Department Secretary.

- A current or former member of the Senior Executive Service (SES).

- A current or former DoD civilian employee whose position is deemed equivalent to that of a member of the Senior Executive Service (e.g., Defense Intelligence Senior Executive Service, Senior Level employee, and non-appropriated fund senior executive).

- A current or former Presidential appointee.

Scope and Methodology

DoD IG led the task force which included representatives of each Service IG and the Joint Staff IG. The task force reviewed data and metrics relating to the timeliness of senior official investigations and examined current procedures and processes for senior official complaints from initial receipt of the complaint to the final approval of the report. The task force also considered and evaluated various proposals to improve timeliness of senior official investigations.

The task force compiled a set of recommendations to improve procedures and timeliness of investigations. Additionally, the Service IGs submitted reports that are included in their respective parts in this report.

The task force conducted the review in accordance with the professional standards for evaluations established by the CIGIE. We believe that the data gathered by the task force provides a reasonable basis for our findings and recommendations consistent with the purpose of this task force. We used professional judgment in making findings and recommendations. We did not render findings on the reasonableness or appropriateness of any individual senior official investigation.

Summary of Findings

Each senior official investigative office has unique processes, different report formats, and staffing challenges. These issues were discussed in detail during task force meetings and are included in the Services' respective parts in this report.

Each senior official investigative office uses different automation tools to record and track investigations. Some of those tools provided very limited data for use in our review. As a result, each part of this report provides a unique snapshot of data to examine various aspects of timeliness. Nonetheless, the task force was able to compile data of all senior official administrative investigations closed by the DoD IG and the Service IGs in FY 2014 to provide a broad picture of the timeliness of senior official investigations.

"As Is" Baseline

Based on the review of process data, the task force identified several major factors affecting timeliness of investigations, including:

Staffing Reductions. Each Service IG faces significant staffing reductions.

Case Tracking Systems. The Service IG offices use various case tracking systems, including Microsoft Excel spreadsheets and Access databases, which provide varying levels of capabilities to track and monitor the full life cycle of investigations. These systems track the receipt of incoming complaints and monitor the progress of investigations toward established milestones until case closure.

Priority Investigations. Service IG offices surge resources to focus on high-priority investigations resulting in increased processing time for other lower priority investigations.

Complexity and Volume of Investigations. Complexity and an increased volume of investigations can have a detrimental effect on the overall timeliness of senior official investigations.

Special Investigations. Senior official investigative offices conduct a variety of investigations and reviews of matters that do not involve allegations against senior officials. Focus on non-senior official matters reduces the resources and investigators available for senior official investigations.

"To Be" Model of Best Practices

Appropriate staffing. The Service IGs must avoid pending staffing cuts and build necessary surge capacity to address new and emerging priority senior official allegations and special non-senior official investigations.

Seamless Data and Case Management Automation. In December 2012, the DoD OIG replaced its outdated legacy case management system with a modern, efficient, multi-functional complaint and investigative tracking system – the Defense Case Activity Tracking System (D-CATS). D-CATS provides real-time complaint tracking and investigative management tools from initial complaint intake through the final disposition and report. D-CATS must be deployed across the Services, Joint Staff, Defense Agencies, and Combatant Commands to increase efficiencies and timeliness throughout the entire investigative cycle.

Complaint Intake Process Improvements. The DoD and Service IGs must streamline and standardize intake processes to conduct uniform and more timely credibility determinations and to enable the more rapid commitment and focus of resources on those allegations warranting investigation.

Investigative Process Improvements. The task force identified a wide range of investigative process improvements designed to increase efficiencies and timeliness of investigations. The process improvements are incorporated in the recommendations below and the action plan section of Part 1.

Senior Official Investigative Training. All IG offices must conduct focused administrative investigative training for senior official investigators to implement the new processes across the senior official investigative community.

Optimal Timelines

A number of factors impact the timeliness of investigations including, but not limited to, the staffing levels at Inspector General senior official investigation offices, the volume of work, and the complexity of investigations. Any change in these factors may have a ripple effect on timeliness across all investigations.

We recognize that the priorities assigned to senior official investigations should be aligned with those priorities identified by the Department. Over the years, Inspectors General have given priority to investigations that are of special interest to the Secretary of Defense, those that involve military officers pending confirmation by the Senate, and officers pending reassignment or retirement actions. Those actions are put on hold while awaiting the outcome of the investigation, affecting the ability of the Department to fill key positions and make timely personnel decisions.

For the purposes of this section, we categorized senior official investigations into three priorities:

- Priority 1 (investigations of military officers pending nomination by the Senate or pending retirement and matters of priority to the Secretary and the Service Secretaries).

- Priority 2 (investigations other than Priority 1 or 3).

- Priority 3 (investigations of allegations against former DoD officials (including retired military officers) and allegations that might not warrant full investigation).

To appropriately address the needs of the Department, Inspectors General should focus resources primarily on Priority 1 investigations. Accordingly, we recommend the Inspectors General establish the following goals to complete Priority 1 investigations. These goals may be reviewed and adjusted annually, as appropriate.

- FY 2015: complete majority of Priority 1 investigations within 180 days

- FY 2016: complete majority of Priority 1 investigations within 150 days

- FY 2017: complete majority of Priority 1 investigations within 120 days

The FY 2014 data below provides a current benchmark of timeliness.

Table 1.1 *Current Timeliness Benchmark*

Days	DoD OIG		Army		Air Force		Navy	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
0-180	4	19%	23	51%	11	48%	1	17%
180-365	9	43%	13	29%	5	22%	4	67%
365 over	8	38%	9	20%	7	30%	1	17%
Total Priority Investigations	21		45		23		6	

*The Marine Corps did not identify any priority cases for FY 2014.

Implementation of the task force recommendations will achieve some efficiencies and improvements in timeliness. However, the overall effects will not be felt until the recommendations are fully implemented, older investigations are completed, and newer investigations are conducted under the improved system. As long as the high volume of complaints against senior officials continues, the ability to improve timeliness will be jeopardized by reductions in manpower and a lack of surge capacity to quickly address emerging priorities.

Recommendations

The task force makes the following recommendations.

The Deputy Secretary of Defense: Support adequate resource levels and mission capability for the Inspector General offices throughout the DoD.

Service Secretaries: Eliminate staff reductions planned for the Military Service Inspectors General, and support adequate resource levels and surge capability to enable conducting senior official investigations in a timely manner.

DoD and Service Inspectors General:

- Establish a Process and Procedures Working Group (PPWG) with DoD, Service, and Joint Staff IG representatives to implement the recommendations identified in this report;

- Conduct quarterly timeliness forums at the Director level to review the implementation of these recommendations and identify new improvements;

- Deploy D-CATS across the Service, Joint Staff, Defense Agency, and Combatant Command IGs to increase efficiencies and timeliness throughout the entire investigative cycle;

- Adopt the use of milestones for investigative events to provide management guidance at critical junctures in the investigation process and to facilitate the writing of reports as the investigation is conducted;

- Review the intake process and identify best practices to increase the timeliness and efficiency of investigative efforts. Issues for examination include:

  o Uniform and more timely credibility determinations

  o Judicious use of resources for minor allegations

  o Issuance of scoping guidance to Service, Joint Staff, Defense Agency, and Combatant Command IGs for individual cases

  o Use of D-CATS to increase efficiencies from complaint intake through final oversight review;

- Identify automation tools designed to increase the efficiency of investigations;

- Use standard report formats for senior official misconduct and reprisal investigations;

- Implement an investigative planning process to focus resources and achieve efficiencies throughout the course of investigations;

- Share the Investigations of Senior Officials (ISO) standards library with Service, Joint Staff, Defense Agency, and Combatant Command IG counterparts;

- Implement a process for early identification and monitoring of high-priority cases between DoD IG and Service IGs;

- Conduct recurring manpower studies to gauge progress toward achieving optimal timelines;

- Train dedicated intake personnel to evaluate senior official misconduct complaints;

- Implement a senior official investigator certification program; and

- Conduct continuing education for senior official investigators, including quarterly workshops.

Action Plan to Improve Timeliness

Upon the approval of this report, the Deputy Inspector General for Administrative Investigations (DIG-AI), together with the Service and Joint Staff IGs, will establish a PPWG to implement the recommendations and action plan identified in this report. The PPWG will include experienced representatives from each office who will review and recommend implementation of best practices to address the issues discussed in this report.

The DIG-AI, together with the Service and Joint Staff IGs, will establish a separate working group to implement the recommendations regarding the deployment of D-CATS.

The directors of the DoD IG ISO, Whistleblower Reprisal Investigations (WRI), and Hotline offices will meet quarterly with the Directors of the Service IG senior official investigation offices to discuss the processing of timely investigations. This Director-level working group will guide the PPWG and the progress of implementation of the action plan described below.

The timeline below begins on the approval of this report. Each action identifies a responsible office.

Short-Range Actions

0-90 days

- PPWG plans for the implementation of this action plan (All).

- Establish a DoD/Service IG D-CATS Function Proponent Working Group to identify required D-CATS function capabilities to support the Service IG mission requirements, costs associated with and funding needed to effect the programming, and the timeline necessary to deploy the system (All).

- Establish standard report of investigation (ROI) format (PPWG).

- Milestones – identify standard and Service-specific milestones (PPWG, Service IGs).

- Intake Reviews – review intake process and identify best practices to increase timeliness and efficiency of investigative efforts (PPWG).

- Issue ISO standards library to Service, Joint Staff, Defense Agency, and Combatant Command IGs (ISO).

91-180 days

- Implement milestone system for use on every senior official investigation (Service IGs).

- Implement new intake review processes and train personnel (All).

- Train investigators on use of the new report format (DoD IG, Service IGs).

- Review and share templates of all commonly used documents (PPWG).

- Identify automation tools to increase efficiency of investigations (PPWG).

- Identify best practices to identify and monitor high-priority cases (PPWG).

- Plan for the deployment of D-CATS to Service, Joint Staff, Defense Agency, and Combatant Command IGs (DoD IG).

181-365 days

- Implement use of new report format (All).

- Train Service, Joint Staff, and Combatant Command IG investigators on new processes (All).

- Implement system to identify and monitor high-priority cases (All).

- Establish senior official workshop training program (PPWG).

Medium-Range Actions

12-18 months

- Measure effectiveness of new processes (Service IGs).

- Conduct manpower study to gauge effect on timeliness (All).

- Conduct senior official investigator workshops (All).

- Establish senior official and reprisal investigator certification programs (PPWG).

18-24 months

- Release D-CATS for Service, Joint Staff, Defense Agency, and Combatant Command IGs, sharing efficiencies gained in the entire life cycle of a complaint, from intake through oversight (DoD IG).

- Train Service, Joint Staff, Defense Agency, and Combatant Command IG offices on D-CATS (Service IGs, with DIG-AI assistance).

- Migrate Service, Joint Staff, Defense Agency, and Combatant Command IG data into D-CATS system (Service IGs).

- Conduct senior official and reprisal investigator certification training (All).

Long-Range Actions

24+ months

- Conduct annual timeliness reviews (PPWG).

- Measure effectiveness of new processes (PPWG).

- Identify systemic impediments to timely investigations (PPWG).

- Conduct manpower study to gauge effect on timeliness (All).

- Continue training workshops and certification programs (All).

- Verify accuracy of initial D-CATS data (Service IGs).

Recurring Actions

- Monthly PPWG meetings to implement report recommendations.

- Quarterly director-level meetings to monitor progress and examine emerging timeliness issues.

- Quarterly training workshops for senior official investigators.

- Annual senior official investigator certification.

- Continuing senior official administrative investigator education.

Part 2
Department of Defense
Inspector General

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DoD Office of the Inspector General, Deputy Inspector General for Administrative Investigations

Introduction

The Office of the Deputy Inspector General for Administrative Investigations (ODIG-AI) conducts senior official investigations through the Directorate for Investigations of Senior Officials (ISO) and, in the case of whistleblower reprisal investigations, through the Directorate for Whistleblower Reprisal Investigations (WRI). ISO and WRI also conduct oversight reviews of Service, Joint Staff, Defense Agency, and Combatant Command IG senior official investigations. ODIG-AI conducts investigations and ensures Service investigations are conducted in accordance with statute and the standards promulgated by CIGIE.

Governing Instructions/Policies

DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," June 6, 2013.

DoD Directive 7050.06, "Military Whistleblower Protection," July 23, 2007.

CIGIE, "Quality Standards for Investigations," November 15, 2011.

DoD IG, Office of Administrative Investigations, Investigations Manual 2012.

Organization Chart and Staffing

The ODIG-AI consists of three directorates: ISO, WRI, and, since September 7, 2014, DoD Hotline.

Figure 2.1 *Organizational Chart ODIG-AI*
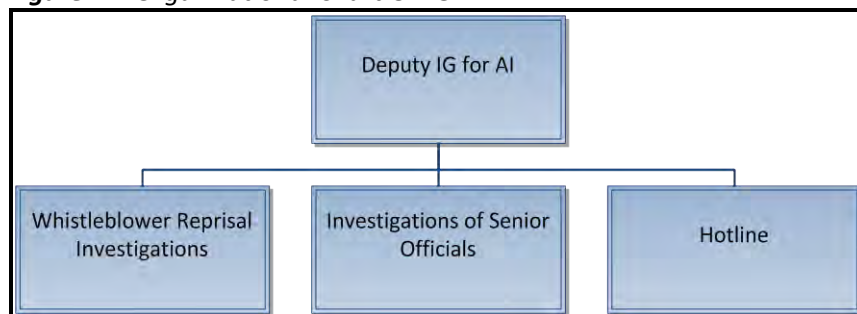
The ISO Directorate is divided into four teams of investigators.

Figure 2.2 *ISO Directorate Organizational Chart*
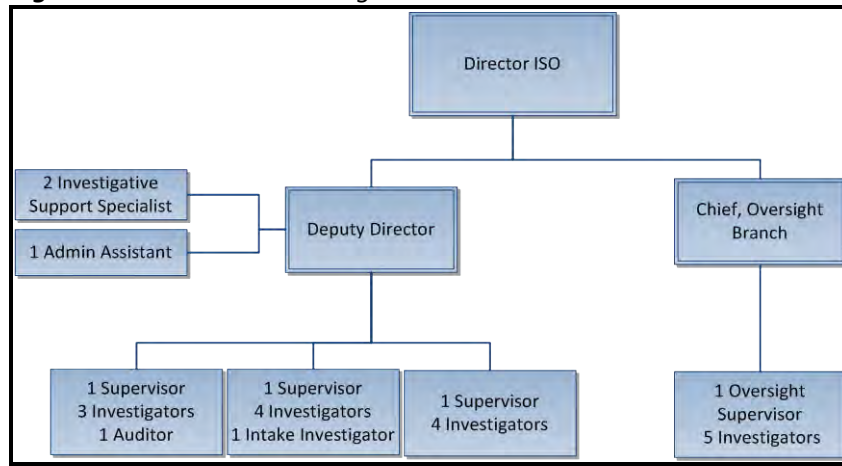
The Director, ISO, is assisted by a Deputy Director and Chief, Oversight Branch. The total authorized strength for ISO is 28. Currently, 21 investigators and 1 auditor are divided among three investigations teams and one oversight team. One investigator is dedicated to review all incoming allegations and provide disposition recommendations directly to the Director, ISO. Each investigative team is led by a GS-14 supervisory investigator. The investigative support staff, consisting of two investigative support specialists and one administrative assistant, provides support for investigations and oversight reviews, and conducts ODIG-AI records checks (name checks) for senior officials pending promotions, awards, retirements, and other personnel actions.

WRI conducts investigations and oversight reviews of all reprisal allegations within DoD, including reprisal allegations against senior officials. In some cases, an ISO investigator is teamed with a WRI investigator to address non-reprisal allegations.

Senior Official Demographics

Table 2.1 provides numbers of senior officials within DoD. Demographics are gathered from various sources and represent an approximation of senior officials within DoD, including the Reserve components and promotable Guard and Reserve officers but not promotable regular officers. Demographics do not include senior officials at the separate intelligence defense agencies.

Table 2.1 *DoD Senior Officials FY 2014*

General/Flag Officers	SES	SL*	ST*	DISES	DISL	Total
1,762	1,191	53	95	66	125	3,292

* SL – Senior Leader; ST – Senior Technician

Historical Workload and Timeliness Metrics

In 2012, ISO, WRI, and DoD Hotline together began developing a modern, efficient, multi-functional complaint and investigative tracking system to replace their outdated legacy systems. The D-CATS became operational on December 5, 2012. D-CATS enables ODIG-AI to track complaints against senior officials throughout the life cycle of the case, from the initial submission to the DoD Hotline, through the review and investigations phases, to the final close out. More information concerning D-CATS efficiencies and data is highlighted throughout this report.

Complaints Received by FY

The vast majority of complaints are submitted through the DoD Hotline and Service IG channels. Figure 2.3 shows complaints received in ISO for FY 2011 through FY 2014.

Figure 2.3 *ODIG-AI ISO Complaints Received*
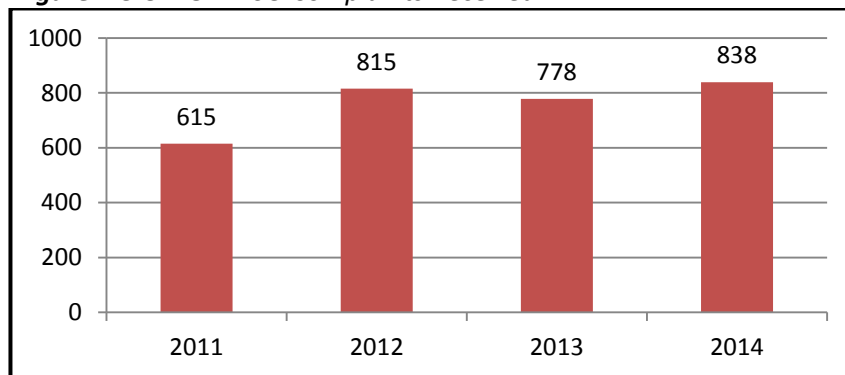
There were 1,251 reprisal complaints received in FY 2014, of which 153 were senior official complaints.

Intakes

ISO reviews each complaint received from the DoD Hotline to determine whether the complaint includes a credible allegation of misconduct, and if so, whether to accept the complaint or refer it to a Service or Defense Agency IG for investigation. Figure 2.4 shows ISO complaint intake review data for senior official complaints received from the DoD Hotline in FY 2013 and FY 2014. The data does not include notifications of investigations initiated separately by the Service IGs.

Figure 2.4. *ODIG-AI ISO Intake Disposition Timeliness*
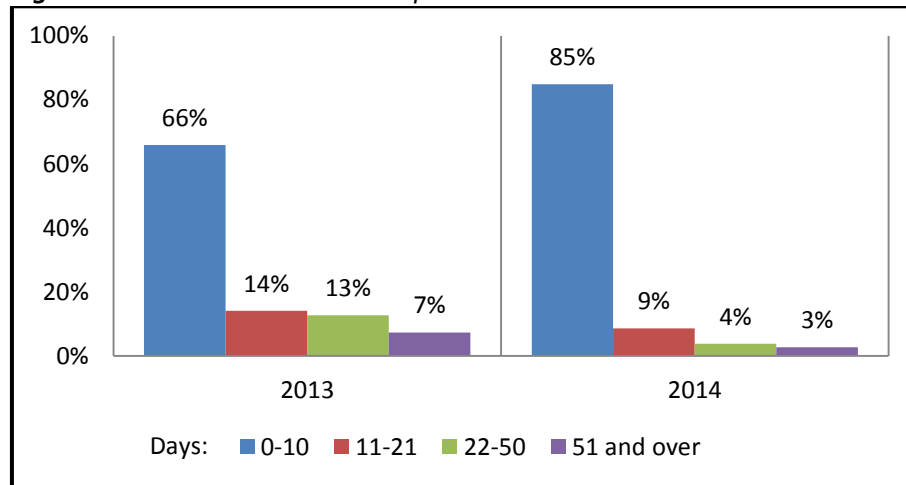
In FY 2014, the total number of complaints submitted through DoD Hotline to ISO for review increased by over 50% from FY 2013. Prior to FY 2014, the Director, ISO, read and reviewed every senior official complaint received through the DoD Hotline. Beginning in FY 2014, an ISO investigator conducts an initial review of the complaint and provides a disposition recommendation to the Director, ISO. The process improvement resulted in an overall improvement in intake timeliness of more than 50%.

Figure 2.5 shows WRI complaint intake disposition data for senior official complaints received from the DoD Hotline in FY 2014. In FY 2014, WRI disposed of 44% of senior official reprisal and restriction complaints in 10 days or less.

Figure 2.5 *ODIG-AI WRI Senior Official Intake Disposition Timeliness*
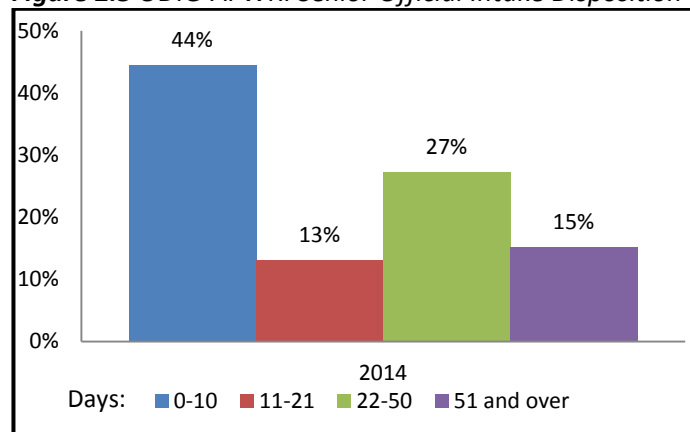
Complaints Closed

ISO closes complaints upon completion of an ISO investigation, conclusion of ISO's oversight of Service, Joint Staff, Defense Agency, and Combatant Command investigations, and dismissal of complaints in the intake review process. Since FY 2011, the number of complaints closed by ISO has increased steadily. Figure 2.6 depicts the number of complaints closed by ISO in FY 2011 through FY 2014.

Figure 2.6 *ODIG-AI ISO Complaints Closed*
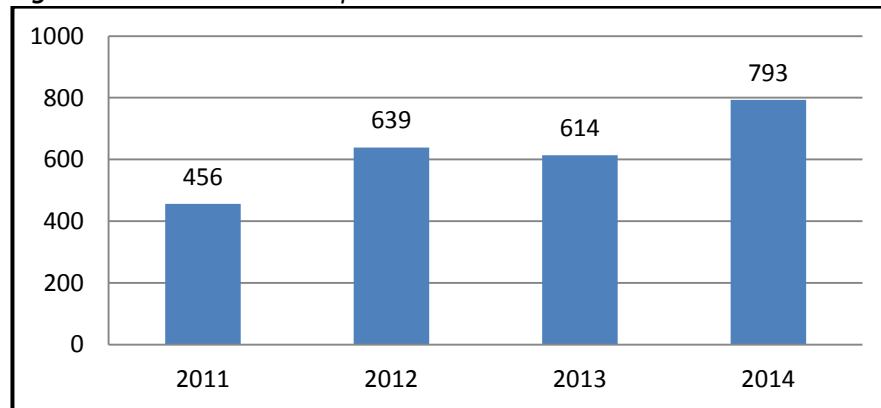
Reprisal investigations and reprisal oversight reviews are counted separately. In FY 2014, WRI closed 1,168 complaints, of which, 172 were against senior officials.

Complaint Disposition Metrics

In FY 2013, ISO disposed of 80% of the 614 complaints it closed in 10 days or less. In FY 2014, ISO disposed of 89% of the 793 complaints in 10 days or less. Disposition of complaints includes referring a complaint to a Service, Joint Staff, Defense Agency, or Combatant Command IG, accepting the complaint for ISO investigation, and dismissing the complaint. Figure 2.7 depicts ISO complaint disposition metrics for FY 2013 and FY 2014.

Figure 2.7 *ODIG-AI ISO Complaint Dispositions*
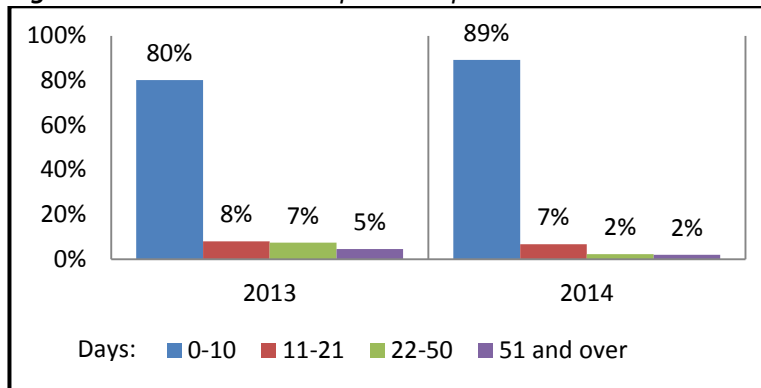
In FY 2014, WRI disposed of 72% of senior official reprisal and restriction complaints in 10 days or less. Figure 2.8 depicts WRI's complaint disposition metrics for FY 2014.

Figure 2.8 *ODIG-AI WRI Senior Official Complaint Dispositions*
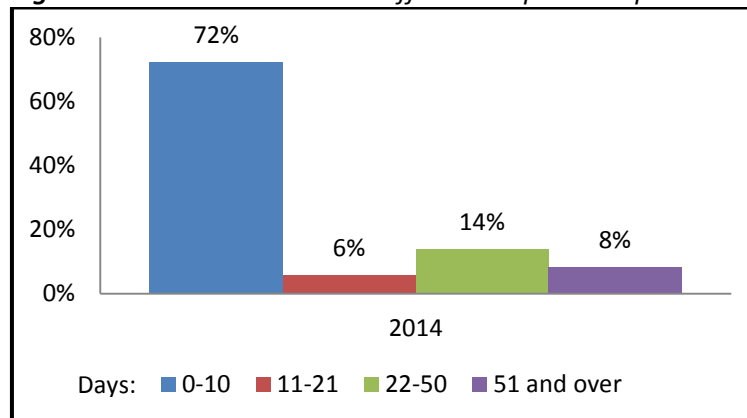
Investigations

In FY 2009 and FY 2010, ISO completed a majority of its investigations in more than 270 days. Beginning in FY 2012, ISO added eight investigators to handle an increased workload and new high priority cases. During FYs 2012, 2013, and 2014, ISO worked through most of the remaining lower priority cases and implemented a number of process improvements to increase efficiencies and reduce timelines. As a result, since FY 2012, ISO has completed a majority of investigations in under 270 days.

Table 2.2 provides the number of ISO closed investigations for FY 2011 through FY 2014. The table also provides the number and percentage of investigations in which at least one allegation of misconduct was substantiated.

Table 2.2 *ODIG-AI ISO Closed Investigations*

Fiscal Year	Investigations Closed	Investigations Substantiated	Substantiation Rate
2011	38	15	39%
2012	42	12	29%
2013	27	5	19%
2014	28	9	32%

Beginning in FY 2011, WRI assumed responsibility for conducting senior official reprisal investigations and oversight reviews. In FY 2013, WRI conducted 16 senior official reprisal investigations (25% substantiated) and in FY 2014, WRI conducted 12 senior official reprisal investigations (8% substantiated).

During FYs 2011, 2012, and 2013, ISO closed several investigations using an abbreviated process following an initial inquiry that determined the allegations were not substantiated and did not warrant further investigation. For FY 2014, ISO eliminated the use of the abbreviated process and modified the intake process to allow for complaint clarification. Figure 2.9 provides timeliness information for ISO investigations conducted in FY 2009 through FY 2014. Cases closed using the complaint clarification process are not included in Figure 2.9. For FY 2014, ISO closed investigations in an average of 316 days with a median of 246 days.

Figure 2.9 *ODIG-AI ISO Timeliness of Investigations Closed*
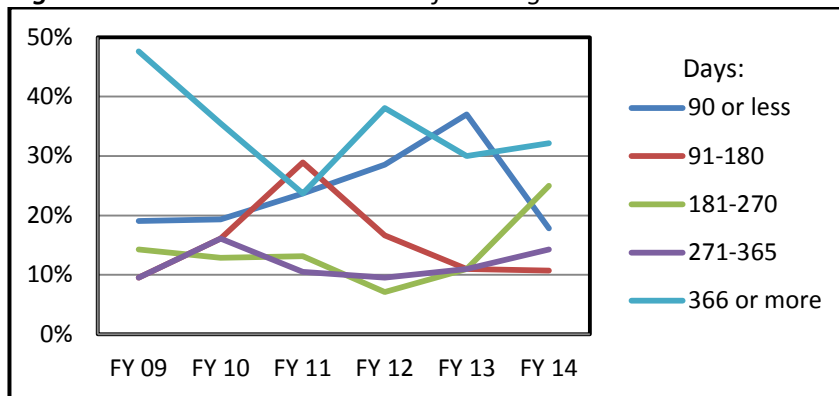
Note: Due to a change in process, the figures for FY 2014 do not include cases closed using the complaint clarification process.

Table 2.3 provides timeliness data for WRI senior official investigations for FY 2013 and FY 2014.

Table 2.3 *ODIG-AI WRI Timeliness of Senior Official Investigations Closed*

	FY 13	FY 14
180 or less	1	0
181-270	2	3
271-365	4	3
366 or more	9	6
Investigations Closed	**16**	**12**
Average Days to Close	**454**	**468**

Oversight Reviews

In FY 2013, ISO improved the process by which it conducts oversight reviews of Service IG investigative products. As a result, ISO improved timeliness in reviewing oversight cases. With the launch of D-CATS in FY 2013, ODIG-AI has been able to track oversight review timeliness more accurately than in the past. The data is shown in Tables 2.4 and 2.5 for ISO and WRI oversight reviews, respectively, for FY 2013 and FY 2014.

Table 2.4 *ODIG-AI ISO Timeliness of Oversight Reviews*

Days	FY 13	FY 14
30 or less	168	171
31-60	55	52
61 or more	27	11
Oversights Closed	**250**	**234**
Average Days to Close	**28**	**23**
Median Days to Close	**20**	**18**

Table 2.5 *ODIG-AI WRI Timeliness of Senior Official Oversight Reviews*

Days	FY 13	FY 14
30 or less	22	19
31-60	20	30
61 or more	14	33
Oversights Closed	**56**	**82**
Average Days to Close	**65**	**73**
Median Days to Close	**40**	**52**

WRI's processing time for senior official oversights is affected by the high volume of all oversight cases. The total number of senior official and non-senior official reprisal investigations oversighted by WRI was 351 in FY 2013 and 485 in FY 2014, a 38% increase.

Name Checks

In FY 2014, ISO conducted approximately 11,000 name checks for records of senior official misconduct. Name check requests are submitted as part of staffing actions for consideration of promotions, awards, assignments, and retirements of senior officials, including those considered by the Senate for confirmation and those considered by the White House for Presidential Rank awards.

"As Is" State of Operations

Over the past year, ISO implemented several process improvements culminating with an internal workshop in June 2014 that demonstrated process synergies in achieving thorough, focused, and timely investigations. These improvements integrate processes between the intake, fieldwork, and report writing phases of each case to maximize the efficient and effective use of investigative resources throughout the investigation.

Intake Process

ISO receives senior official complaints primarily from the DoD Hotline. Service IGs, Joint Staff, Defense Agencies, and Combatant Command IGs, members of Congress, and senior leaders within the Department also refer complaints to ISO. Upon receipt of a complaint, ISO conducts an intake review to evaluate each allegation in a thorough, timely, and objective manner. An ISO investigator assists the Director, ISO, in conducting a review of each allegation and all information submitted with the complaint.

- Complaints presenting a credible allegation against 3- and 4-star general/flag officers, OSD SES members, and Presidential appointees are typically investigated by ISO. Credible allegations against 1- and 2-star general/flag officers and SES members are typically referred to Service, Defense Agency, or Combatant Command IGs for investigation. DoD IG provides oversight of those cases.

- Complaints requiring clarification before determining whether investigation is appropriate remain with the ISO intake investigator. Depending on the nature of the allegation, the investigator may conduct an intake interview with the complainant (if known) or obtain and analyze specific documents relevant to the complaint. Following this short, initial

complaint clarification phase, the Director, ISO, reviews all the information and makes an appropriate disposition determination. For FY 2014, the intake investigator conducted complaint clarification work on 96 complaints before the director made an appropriate determination.

- Complaints that do not include a credible allegation of senior official misconduct are closed without investigation.

- Complaints that include allegations of criminal misconduct or reprisal are referred to the Defense Criminal Investigative Service or WRI, respectively, for review.

- Complaints that do not include a credible allegation against a senior official but include allegations against non-senior officials are referred to the appropriate Service, Joint Staff, Defense Agency, or Combatant Command IG for review.

During the intake process, the intake investigator summarizes the general nature of the complaint, identifies potential subjects of the investigation, and frames allegations of potential misconduct. For cases accepted for investigation, the intake investigator completes the appropriate notification package, submits recorded interviews for transcription, and files all documentary evidence into D-CATS for seamless transition to the ISO investigator.

ODIG-AI Investigative Process

ODIG-AI conducts investigations in accordance with CIGIE standards. These require that investigators be qualified and independent, and that they exercise due professional care in conducting investigations. Under CIGIE standards, Inspectors General have responsibilities for the quality and thoroughness of investigations as well as timeliness. Investigators must strike the right balance between meeting quality and timeliness standards while being mindful of the potential impact that timeliness can have on people and organizations. Thoroughness and accuracy are as critical as timeliness. The ODIG-AI investigative processes are designed to ensure a thorough, timely, and complete investigation that provides a written report that is relevant, focused, and readable. The main phases of the investigative process are discussed below.

Investigative Planning. Building on the initial intake review process, the investigator analyzes the complaint, identifies applicable standards or statutes, assesses the framed allegations, and lists potential sources to accumulate relevant evidence. Investigators brief the proposed investigative plan to ISO leadership. The investigative plan establishes milestones and serves as a blueprint for the investigation and the written report of investigation (ROI).

Fieldwork. The investigator obtains evidence relevant to the allegations and interviews witnesses. Throughout this phase, the investigator analyzes evidence and writes appropriate fact summaries and discussion in the draft ROI using ISO's write-as-you-go philosophy. Under this philosophy, investigators are expected to begin writing ROI sections throughout the investigation but not form or write a conclusion at this stage. This avoids delays that would occur if investigators do not begin writing until the fieldwork is complete. The investigator also assesses the need for additional evidence to focus effort and maximize the use of time and resources. The investigator uses CaseSoft, an analytic tool by LexisNexis that includes CaseMap, TextMap, and Time Map software, to organize and maintain evidence by associating facts, documents, and testimony to specific issues related to the allegations. These tools facilitate analysis of the evidence and writing of the ROI throughout the investigative process.

Subject Interview. Prior to the subject interview, the investigator and ISO leadership assess the evidence gathered to date, review the investigator's proposed interrogatory for the subject interview, review the current ROI draft, and address any gaps in evidence or information requiring clarification. The focus of this phase is to prepare for the subject interview and ensure that the subject is given ample opportunity to address all critical facts associated with the allegations and standards. The review of the draft ROI at this phase ensures the investigator addresses the allegations and applies the appropriate standards to the facts gathered up to that time. Additionally, the ROI review identifies any remaining gaps in facts or analysis that might require additional fieldwork before interviewing the subject.

Finalize the ROI. Following the subject interview, the investigator briefs ISO leadership on the subject's testimony and presents a more refined draft of the ROI. The review of the ROI at this stage identifies any remaining facts or issues that might require additional fieldwork. The review also provides final guidance to the investigator with a view toward reducing ROI review and revision time.

Each phase of the investigative process incorporates a focus toward the written report. The continuous, iterative nature of the process is highlighted in Figure 2.10.

Figure 2.10 – ODIG-AI ISO Investigative Process (Continuous Cycle)
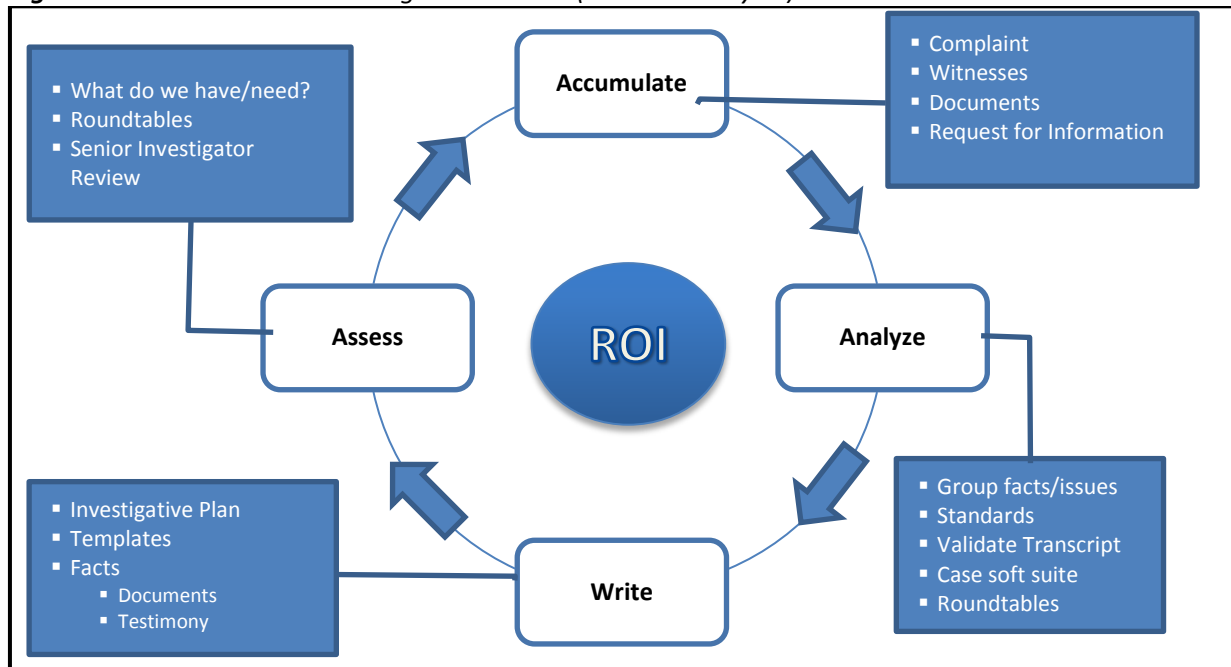
The iterative nature of the investigative process has improved investigators' effectiveness, reduced revision time for ROIs, and increased overall timeliness.

Roundtables and Milestones

ISO has implemented a milestone-driven process tailored to each case based on complexity, priority, and accessibility of witnesses. This process is designed to improve timeliness in completing investigations. The investigative process requires essential supervisor involvement at key stages of the investigation to focus investigative efforts and achieve maximum efficiencies. At each key stage, the director, ISO, holds mandatory roundtable meetings with the investigator, supervisory investigator, and the deputy director to engage in an open, wide-ranging discussion about the allegations and conduct of the investigation. Consistent with ISO's write-as-you-go philosophy, the investigator must bring specific written products to each mandatory roundtable to facilitate and focus the discussion on the issues at hand.

The mandatory roundtables for each investigation are:

- Investigative plan roundtable (with the investigative plan);
- Pre-subject interview roundtable (with draft ROI and draft interrogatory);
- Post-subject interview roundtable (with draft ROI); and
- Post-subject interview roundtable with Office of General Counsel (with draft ROI).

The investigator may schedule or request additional roundtables based on the complexity and priority of the investigation. An Office of General Counsel (OGC) attorney is assigned at the initiation of each investigation and is welcome to attend every roundtable. The attorney attends the final mandatory roundtable and, depending on the legal issues or priority of the investigation, attends other roundtables as appropriate.

ISO uses investigative milestones to facilitate the timely progression of the investigation. At the outset of each investigation, ISO leadership establishes internal milestones based on the priority of the case, the complexity and number of allegations, the number and availability of potential witnesses, and the volume of documentary evidence.

Key investigative milestones for a lower priority case of typical complexity include:

- Investigator assigned
- Investigative plan roundtable
- Pre-subject interview roundtable
- Post-subject interview roundtable
- Post-subject interview roundtable (OGC)
- Director approval

Tentative Conclusions Letters

Following approval by the Director, ISO, the ROI is forwarded through the DIG-AI to the OGC for a formal legal review. Finally, the ROI is forwarded to the IG for review and approval.

If the ROI does not include a substantiated allegation, the case is closed upon the IG's approval. A letter with the results of the investigation is provided to the Service, Defense Agency, or Combatant Command, as appropriate.

If the ROI includes substantiated allegations of misconduct, a tentative conclusions letter and a redacted copy of the ROI is referred to the subject for the opportunity to submit a response or other matters for consideration. ISO typically provides 14 days for the subject to submit a response and often approves an extension. ISO reviews all responses and conducts additional fieldwork, if warranted. A summary of the response and any changes as to disposition are recorded in the ROI. The revised ROI is then staffed through the DIG-AI and OGC to the IG for final approval.

Standard Processes and Products

Reports. Investigators use standardized ROIs to document and discuss their investigations. This enables investigators to develop reports using common formatting and structure that enhances the presentation of evidence and discussion of their analysis of the facts against the applicable standards. ISO engages in continuous improvement of ROIs and other commonly used documents.

Investigators use an investigative plan template linked to relevant data fields in D-CATS that enables investigators to prepare and update the investigative plan by entering data once into D-CATS. Accordingly, as new witnesses are identified or as emerging allegations need to be addressed, investigators easily update the investigative plan for discussion with ISO or ODIG-AI leadership.

Standards Library. ISO has developed an electronic library containing relevant standards applicable to the most commonly received allegations against senior officials. The standards library is available to all investigators on a shared drive and enables them to identify governing standards relating to most allegations of misconduct. While each investigator is personally responsible for ensuring the standard applies to the alleged facts and is up-to-date, the standards library has had a dramatic effect on improving the timeliness in which investigators launch their investigations. Investigators have responsibilities to update specific standards within the library as standards are revised over time.

Templates. ISO uses templates for commonly used memorandums and correspondence, including notifications to subjects, management officials, and DoD IG leadership. As a result, investigators prepare such documents in a timely, efficient, and consistent manner.

Interrogatories. Investigators prepare an interrogatory for each interview in the course of an investigation. Interrogatories provide investigators with a starting point for questioning witnesses. Each interrogatory is modified based on the specific circumstances of facts, issues, and applicable standards. ISO uses interrogatories to ensure thoroughness and a deliberative approach in posing questions to witnesses. ISO is developing an interrogatory library similar to the standards library to enhance investigators' abilities to investigate allegations thoroughly with improved timeliness.

Technology

ISO uses the D-CATS complaint and case management system developed by ISO, WRI, and DoD Hotline. Launched on December 5, 2012, D-CATS uses state-of-the-art technology and functionalities that have transformed the ISO, WRI, and DoD Hotline internal business processes into a nearly seamless and paperless environment. The system provides real-time electronic case management; built-in investigative plan and oversight templates; electronic evidence and document storage;

comprehensive data fields and dashboards to enable ongoing monitoring of the life cycle of investigations; and accessible performance metrics for briefings and semi-annual reports. D-CATS also incorporates a section for analyzing reprisal allegations, including tools for specifying whether alleged protected communications and personnel actions are covered by the statute. Data from this section feeds the WRI intake worksheet as well as the investigative plan, thus facilitating accurate scoping of investigations.

Investigators use CaseSoft case management software to maximize effectiveness in aggregating, analyzing, and using documentary and testimonial evidence obtained during fieldwork. Within the CaseSoft suite, CaseMap and TextMap seamlessly link relevant documents, facts, and issues so that they may be retrieved immediately for use in evaluating a case and preparing an ROI.

Investigators use digital recording devices for all interviews. The recordings, which are submitted for transcription, ensure use of verbatim testimony in the ROI and enhance investigators' effectiveness in evaluating testimony. Investigators also verify transcripts against interview recordings to ensure accuracy of the testimonial record.

Role of Legal Counsel

OGC reviews all reports of senior official investigations for legal sufficiency. ISO coordinates with OGC at the initiation of the investigation and seeks legal counsel's participation at the earliest phases of investigations to ensure use of the most appropriate standards governing the alleged misconduct.

ISO invites legal counsel to participate in the investigative process at the investigative plan roundtable, pre-subject roundtable, and post-subject roundtable meetings. The nature and frequency of legal counsel's participation depend on the complexity and priority of the investigation. Legal counsel participation and advice from the beginning and throughout the investigation help focus the investigation and avoid expending resources on issues and facts that are not related to the investigation's findings, conclusions, and determinations. Accordingly, early and substantive engagement by legal counsel is integral to the timely and efficient conclusion of an investigation.

Improvements Made to Date

The current director, ISO, arrived in November 2010 and received an initial directive from the IG to address Senate Armed Services Committee concerns by creating a more thorough and robust oversight process for the review of Service, Joint Staff, Defense Agency, and Combatant Command IG investigations of senior officials. By April 2011, with the influx of new senior official investigations, the IG directed an immediate evaluation of ISO staffing levels needed to investigate allegations and

conduct oversight reviews. The IG directed any recommendations include a surge capability to address high priority cases.

Beginning April 2011 through June 2014, ISO improved processes, created a separate Oversight Branch, hired additional investigators, updated procedures, and developed D-CATS – all with a view to address the increased workload, improve timeliness, and ensure complete, accurate, and thorough investigations and oversight reviews. In June 2014, ISO conducted a 2.5 day internal workshop for ISO investigators to synthesize the new processes and demonstrate their combined efficiencies.

The changes and improvements made to date include:

- Hired additional investigators;
- Created separate Oversight Branch to focus on providing timely and thorough oversight reviews;
- Created D-CATS to modernize and streamline processing, investigating, tracking, and managing reviews of complaints, conduct of investigations, and oversight reviews;
- Created a standards library of applicable statutes, regulations, and policies relating to the most frequently submitted allegations;
- Streamlined the intake process to reduce total time for evaluation and disposition of complaints;
- Implemented a new investigative plan process to focus investigative effort and capture efficiencies throughout investigations;
- Required use of CaseSoft to enhance analytical efforts of testimonial and documentary evidence, and to reduce time for evaluation and analysis of evidence;
- Implemented a system of milestones for investigative events to provide management guidance at critical events in the investigative process and to reduce multiple revisions of ROIs;
- Created efficiencies in the writing process, including a write-as-you-go standard for investigators;
- Created templates and held writing classes and workshops to improve the synergies between the new processes and systems, and to complete ROIs in a more timely and effective manner;
- Reduced turnaround time for transcripts by 50%; and

- Required hyperlinking of citations in ROIs to allow for instant review of evidence and testimony at all levels, eliminating the need for paper case files.

WRI-Specific Processes

WRI's processes are generally aligned with ISO processes. The most significant difference is in the intake review process. At the intake phase, the reprisal investigator first determines whether the complaint has been filed by a covered person (for example, a military member) and was filed within the statutory filing deadline. The reprisal investigator then focuses on whether there is a prima facie allegation – did the complainant make a protected communication, was it followed by a personnel action, and would the facts alleged, if true, raise the inference of reprisal? To answer this question, the reprisal investigator must interview the complainant. The reprisal investigator uses evidence obtained to populate forms in D-CATS for analyzing protected communications and personnel actions and preparing the investigative plan, if an investigation is warranted. If WRI refers the case to the Service IG for investigation, an intake worksheet scoping the allegations is sent to the Service IG.

This intake review process resulted from improvements implemented 2 years ago to eliminate the practice of conducting lengthy preliminary inquiries. Using the criterion of prima facie allegation, the decision whether to investigate can be made relatively quickly after clarifying the complaint. In addition, assigning the intake review to the investigator who would conduct the investigation eliminates unnecessary delays. In whistleblower reprisal cases, there is a requirement to contact each complainant. As noted elsewhere in this report, in FY 2014 WRI completed intakes—dismissing or referring them to a Service IG—in an average of 23 days (median: 11).

Other WRI process improvements include the use of milestones to ensure progress in investigations, roundtables, templates for all routine types of correspondence, and a newly revised ROI template to better support the ODIG-AI write-as-you-go philosophy. Use of the CaseSoft tools has not yet been required in all cases, but the tools have been used for some investigations.

Factors Affecting Timeliness

Manpower

The lack of manpower is a critical factor that can negatively affect timeliness. As discussed above, in April 2011 based on an influx of new cases, ISO identified a need for more personnel to conduct timely investigations and oversight reviews. Between December 2011 and December 2012, ISO hired seven new investigators and one auditor. With the additional investigators, ISO was able to surge manpower to investigate high priority cases and conduct oversight reviews in a more timely manner.

Efficient use of manpower also contributes to timeliness. For instance, the assignment of an intake investigator reduced the time necessary to conduct intake reviews of new complaints. During the summer months beginning May through August 2014, ISO assigned an additional investigator to review intakes when the primary intake investigator was in a leave status.   With two full-time investigators, the average intake process timelines were reduced from 15 days to 7 days – another indication of the efficient use of manpower to improve timeliness.

Priorities

ISO adjusts resources to quickly respond to situations where a general/flag officer has been recommended for a career action (promotions, reassignments, and retirements) requiring Senate confirmation. For example, ISO dedicated 15 investigators to complete an investigation of an officer pending nomination in 67 days. Similarly, ISO prioritized resources to complete an investigation of a senior official pending Senate confirmation in 49 days.

Surging resources to quickly respond to high-priority investigations often has wide-ranging ripple effects on other investigations. Investigators must delay efforts on lower priority cases that can significantly impact the timeliness of those investigations.

The situation is the same for oversight reviews. The Service IGs typically identify as priority those officers who are recommended for a career action. Approximately 38% of oversight reviews were identified as priority for FY 2014, causing delays for lower priority oversight reviews.

In both investigations and oversight reviews, the focus on priority cases shifts resources away from routine cases. The effects of this shift will continue to affect the timeliness of other cases unless an adequate surge capability is included in manpower staffing levels.

Efficiencies

Although ISO just completed its workshop in June 2014 to demonstrate efficiencies, it was still able to assess the possible effect of the new processes and procedures on timeliness.

Figure 2.11 compares three contrasting investigations to highlight the potential effects of specific ISO process improvements. Figure 2.12 highlights processes used in each of the three investigations.

Figure 2.11 *Linear Depiction Contrasting Investigation Processes*
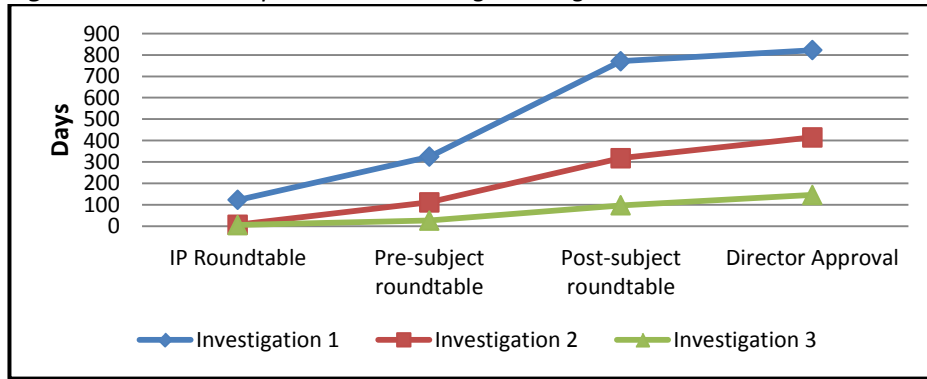
* IP – Investigative Plan

Figure 2.12 *Contrasting Investigation Processes*

Investigation 1: Non-CCP*	Investigation 2: Partial CCP	Investigation 3: Full CCP
Begun without D-CATS, inconsistent use of CaseMap; investigator assigned to two higher priority cases	*D-CATS and CaseMap used for portion of case; not available for classified work*	*D-CATS, CaseMap, Milestones, and Processes all utilized fully*

* CCP – Continuous Cycle Process

The three investigations were of similar complexity. In Investigation 1, ISO did not use milestones or other continuous cycle efficiencies and the investigator did not utilize CaseMap effectively. Additionally, the investigator was assigned to two high priority investigations during fieldwork, leading to further delays. In Investigation 2, the investigator used D-CATS and effectively used CaseMap in part of the investigation – the investigator could not use CaseMap for the classified portion of the investigation. As a result, the continuous cycle process could not effectively be used in the drafting and review of the ROI. In Investigation 3, the investigator fully utilized the continuous cycle process and the CaseMap tools to conclude fieldwork and produce a final ROI for the Director's approval in less than 150 days.

By contrast, Table 2.6 provides timelines in total number of days from the date of initiation in three investigations of low complexity, each conducted since the implementation of the ISO processes in June 2014. The investigations took full advantage of the synergies offered by the continuous cycle process and made effective use of CaseMap.

Table 2.6 *Recent Low Complexity Investigations using Continuous Cycle Processes (CCP)*

Event	Investigation 1 (Full CCP)	Investigation 2 (Full CCP)	Investigation 3 (Full CCP)
Investigative Plan Roundtable	7	4	9
Pre-subject Roundtable	15	13	10
Post-subject Roundtable	19	31	15
Director Approval	33	41	21
IG Approval	36	42	28

At the outset of each investigation, ISO determined that the complaints did not present complex allegations, did not require extensive document reviews, and required only limited witness interviews. The director, ISO, adjusted milestones to ensure completion of the investigations in the most efficient and timely manner.

"To Be" State of Operations

Optimal Resource Level

Optimal staffing levels depend on the volume of work, complexity of the investigations, priority of the investigation, and numerous other factors. The optimal timeline for investigations is to complete a majority of Priority 1 investigations within 120 days by FY 2017. The optimal timeline for oversight reviews is an average of less than 30 days. ODIG-AI must conduct regular assessments to determine whether the recent ISO process improvements will achieve optimal timelines.

In order to implement the recommendations outlined in this report, ISO would require an additional team of five investigators. This team would surge in response to new priority investigations, while ISO also maintains timeliness in routine investigations and oversight reviews. Additionally, ODIG-AI would require two investigator-instructors to plan, coordinate, and conduct the training recommended in this report.

Complaint Receipt and Investigative Processes

We envision a "to be" state of operations with the following process improvements for the complaint receipt process.

- Conduct complaint intake reviews to identify allegations warranting investigation. Consider a more efficient and timely way of handling administrative/procedural matters. Instead of opening an investigation in such matters, provide the potential subject with

notice and an opportunity to respond. Consider the response before making a final determination whether to dismiss the complaint. Record the results for information.

- Coordinate intake review policies with Service IGs to achieve uniform credibility determinations. Consider reviewing Service IG credibility determinations for consistency.

- Provide detailed scoping guidance for cases referred to Service, Joint Staff, Defense Agency, and Combatant Command IGs, as WRI does for referred reprisal cases, and share the scoping guidance with Oversight Branch to facilitate investigation review.

- Modify the D-CATS system to seamlessly integrate these process improvements at all levels.

Technology

Deploy D-CATS across the Service, Joint Staff, Defense Agency, and Combatant Command IGs to increase efficiencies and timeliness from complaint intake, through investigation, to final oversight review and case closure. The DoD IG submitted D-CATS for approval as a Defense Business System with the intent of deploying it as a DoD-wide enterprise IG system. In April 2014, the Defense Business Systems Management Committee certified $2.085M Defense Business System investments for the purpose of technology refresh and to migrate the system to a DoD cloud environment. The Office of the Deputy Chief Management Officer has advised that they received an Investment Decision Memorandum signed by the Deputy Secretary of Defense.

Future Improvements

- Share best practices with Service, Joint Staff, Defense Agency, and Combatant Command IGs.
- Standardize the ROI format across DoD for all senior official and reprisal investigations.
- Review and share templates of all commonly used documents.
- Prepare ISO standards library and interrogatories to share with Service, Joint Staff, Defense Agency, and Combatant Command IGs.
- Identify automation tools to increase efficiency of investigations.
- Implement a uniform process for early identification and monitoring of high-priority cases between Services and ODIG-AI.
- Adopt the use of CaseSoft technology in WRI senior official cases.
- Train dedicated intake personnel at the Service level on uniform credibility standards for non-reprisal cases.

- Conduct focused training workshops for senior official and reprisal investigators. Include continuing education subjects such as writing and investigative/analytical skills.
- Implement a senior official and reprisal investigator certification program within DoD.

Recommendations

Establish a Process and Procedures Working Group (PPWG) with ODIG-AI, Service, and Joint Staff IG representatives to implement the improvements identified above.

Combine historically separate meetings between Service and Joint Staff IG representatives and Directors of ISO, WRI, and DoD Hotline into one Quarterly Timeliness Forum. Focus the agenda on conducting timely investigations and monitoring the progress of the PPWG identified above.

Appendix

Appendix 2.A – ODIG-AI Intake Process Chart

Appendix 2.B – ODIG-AI Investigative Process Chart

Appendix 2.C – ODIG-AI TCL Process Chart

Appendix 2.D – ODIG-AI Data Tables

Appendix 2.A – ODIG-AI Intake Process Chart

* Review complaint and request and review documents.

Appendix 2.B – ODIG-AI Investigative Process Chart

DIG AI makes notification ┄┄> Investigation Assigned

Prepare IP → IP RT

IP Approved → Conduct fieldwork → Pre Subject Interview RT

Interview Subject

Prepare and submit draft ROI to SI → Post Subject ISO RT

Prepare and submit draft ROI to SI → Post subject RT with OGC

ROI Staff package to Dep Dir

Dep Dir approves Staff Package to Dir

Dir approves Staff Package to DIG-AI

DIG-AI Approves Staff Package to OGC → OGC Concurrence

Staff package to front office

Substantiated Allegation → TCL Staff Package

Substantiated Allegation → Closure Package

Legend
IP – Investigative Plan
RT – Roundtable
ROI – Report of Investigation
SI – Senior Investigator
OGC – Office of General Counsel
TCL – Tentative Conclusions Letter

Appendix 2.C - ODIG-AI TCL Process Chart

TCL Staff Package to
IG

↓

Receive IG Approval

↓

Prepare TCL Package
for distribution to
subject

↓

Mail/Deliver/Email
TCL to Subject

↓

Subject
provides
response —Yes→ Review subject's
Response to TCL → ISO Post TCL
RT → Additional
fieldwork
required —Yes→ Conduct
additional
fieldwork

No ↓   No

Revise ROI
Incorporate TCL
Response/No
Response → Submit revised ROI
for management
review → Dir approve ROI to
DIG-AI → DIG-AI approve
ROI to OGC → OGC concur to IG
for approval

Legend
TCL – Tentative Conclusions Letter
RT – Roundtable
OGC – Office of General Counsel

Appendix 2.D – Data Tables

*Data for **Figure 2.4** ODIG-AI ISO Intake Disposition Timeliness*

	2013		2014	
Days	Number	Percentage	Number	Percentage
0-10	247	66%	492	85%
11-21	52	14%	50	9%
22-50	47	13%	22	4%
51 and over	27	7%	16	3%
Total	373	100%	580	100%

*Data for **Figure 2.7** ODIG-AI Complaint Dispositions*

	2013		2014	
0-10	492	80%	706	89%
11-21	49	8%	53	7%
22-50	45	7%	18	2%
51 and over	28	5%	16	2%
Total Closed	614		793	
Average days	9		5	
Median	0		1	

*Data for **Figure 2.9** ODIG-AI ISO Timeliness of Investigations Closed*

Fiscal Year	FY09		FY10		FY11		FY12		FY13		FY14	
90 or less	4	19%	6	19%	9	24%	12	29%	10	37%	5	18%
91-180	2	10%	5	16%	11	29%	7	17%	3	11%	3	11%
181-270	3	14%	4	13%	5	13%	3	7%	3	11%	7	25%
271-365	2	10%	5	16%	4	11%	4	10%	3	11%	4	14%
366 or more	10	48%	11	35%	9	24%	16	38%	8	30%	9	32%
Investigations Closed	21		31		38		42		27		28	
Average Days to Close	397		385		261		384		261		316	
Median Days to Close	349		279		141		202		183		246	

Part 3
Department of the Army
Inspector General

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Department of the Army Inspector General

Introduction

Governing Instructions/Policies

DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," June 06, 2013.

Army Regulation (AR) 20-1, "Inspector General Activities and Procedures," November 29, 2010, Rapid Action Review July 3, 2012.

Investigations Division Standard Operating Procedures, July 16, 2014.

Organization Chart and Staffing

The Department of the Army Inspector General – Investigations Division (DAIG-IN) is one of eleven divisions under the leadership of The Army Inspector General. DAIG-IN conducts administrative investigations concerning allegations made against Active and Reserve Component General Officers, promotable colonels, SES civilians, and other officials as directed by the Secretary of the Army, Under Secretary of the Army, Chief of Staff of the Army, Vice Chief of Staff of the Army, or The Inspector General (TIG). When directed, DAIG-IN conducts investigations of systemic issues affecting the Army. The DAIG-IN consists of five branches: two responsible for conducting preliminary investigations; one responsible for conducting investigations; an administrative support branch providing case management and logistical support; and a legal branch detailed from the Office of The Judge Advocate General (Figure 3.1).

Figure 3.1 *DAIG General Investigations Division Organization Chart*
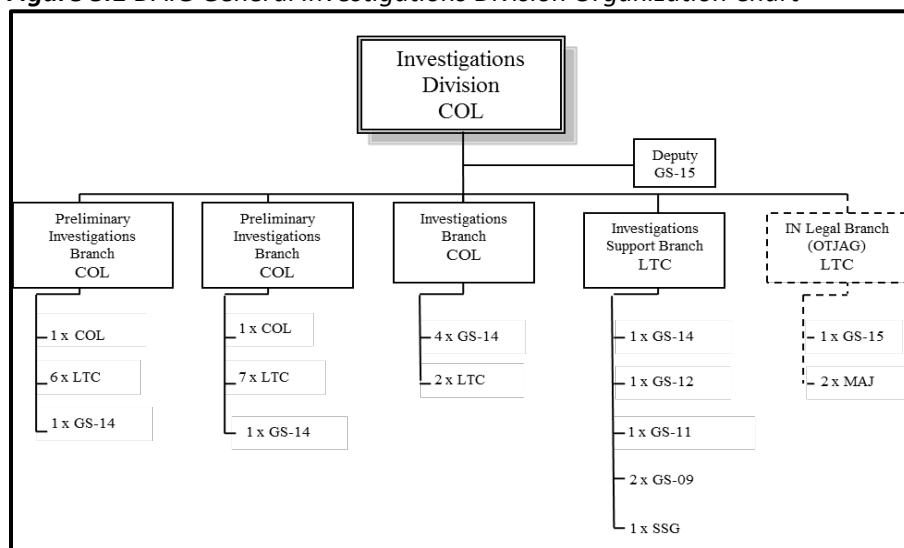
The preliminary investigations branches conduct preliminary inquiries concerning complaints against active and reserve component general officers, promotable colonels, and SES civilians. In some instances, these allegations require further investigation, and the case is forwarded to the Investigations Branch. The Investigations Branch develops the investigation based on a preponderance of credible evidence and produces a report to the directing authority for approval. When systemic issues are discovered, appropriate offices and agencies are notified for corrective action and follow-up.

The investigative branches are composed of civilian and military investigating officers, with the military investigators representing all three Army Components: Active Army, Army Reserve, and Army National Guard. The preliminary investigations branches are composed primarily of military personnel in the grade of lieutenant colonel and colonel who represent a wide spectrum of technical expertise and experiences. The Chief of Staff of the Army directed Inspector General billets be filled by officers who remain competitive in their branches for battalion and brigade command.

The Investigations Branch is composed primarily of civilians in the grade of GS-14. These retired senior military officers have previous experience in the Inspector General career field and are capable of conducting complex investigations. The nature of work conducted by DAIG-IN requires these senior level officers to properly address issues discovered during the investigative process and meet the expectations of internal and external stakeholders.

The Investigations Support Branch provides the administrative support necessary to conduct administrative investigations. The Investigations Support Branch receives all allegations and enters them into the inquiry/investigative process. Throughout the inquiry/investigation process, the Investigations Support Branch makes all referrals to other organizations and agencies, and monitors the referrals through case closure.

Four attorneys from the Administrative Law Division, Office of The Judge Advocate General, are embedded within the Investigations Branch. The attorneys serve as legal advisors during DAIG-IN investigations and conduct thorough legal reviews of inquiries and investigations to ensure legal sufficiency. Our attorneys work in concert with the DAIG-IN investigating officers from receipt of the allegation until final approval of the investigation.

As of October 1, 2014, DAIG-IN is authorized 34 personnel; the goal is to maintain the division at 100% operating strength. As shown in Table 3.1, Headquarters, Department of the Army, has not made a significant change to DAIG-IN's authorized strength in over 7 years. A DAIG internal reorganization in 2013 resulted in the transfer of four authorizations from DAIG-IN to the newly formed DAIG Records Screening Office.

Table 3.1 *DAIG-IN Authorized Strength*

	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16
Total Authorized	37	38	39	38	34	34	33
Military	19	20	21	20	21	21	20
Civilian	18	18	18	18	13	13	13
Percentage Filled	70%	75%	95%	100%	100%	100%	*

Senior Official Demographics

The DAIG conducts administrative investigations of Army senior officials from across the Army. The Department of the Army has 1,061 senior officials (353 Regular Army General Officers; 289 Army National Guard General Officers; 142 Army Reserve General Officers; and 277 SES civilians). The Regular Army General Officer numbers include colonels selected for promotion to brigadier general; the Army National Guard numbers include those colonels with certificates of eligibility and 114 adjutants general and assistant adjutants general; and finally, the Army Reserve number includes colonels selected for promotion to brigadier general but not yet promoted.

Historical Workload and Timeliness Metrics

Complaints Received by FY

The number of complaints received by DAIG has increased every year since FY 2009 (see Figure 3.2) with the greatest increases over the last 2 fiscal years. DAIG-IN receives complaints via email, phone, walk-in, or referral. They originate directly from complainants, or they are forwarded to the division from the DAIG Hotline or DoD OIG. The DAIG-IN refers credible allegations against non-senior officials to the DAIG-Assistance Division or other agencies and dismisses cases that contain no credible allegations or were not IG appropriate. AR 20-1 specifies several types of complaints that are not appropriate for IG action, require minimal IG involvement, or are a combination of both of these factors. Upon receipt of these types of complaints, DAIG-IN will advise complainants of their options for redress and recommend they submit their complaint to the appropriate agency for resolution. In some instances, the IG may elect to refer the issue on behalf of the complainant but must be mindful of confidentiality concerns.

Figure 3.2 *DAIG Complaints Received and Investigations Initiated*
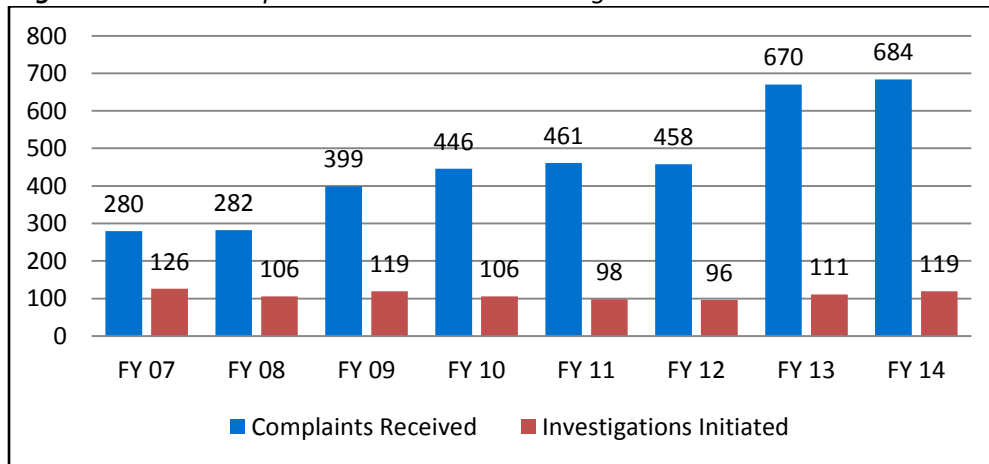
Investigations Closed by FY

Figure 3.3 depicts the number of cases closed by DAIG-IN over the past 8 years. During this timeframe, DAIG-IN closed an average of 100 cases annually. Case closures peaked at 112 in FY 2009 and FY 2010, dipped to 80 in FY 2012, and spiked to 116 in FY 2013 and 108 in FY 2014. The dip in FY 2012 can be attributed to the DAIG-IN manpower resources devoted to the Homeowners Assistance Program special investigation and a Lean Six Sigma initiative. The uptick in FY 2013 can be attributed to the implementation of new or modified procedures as a result of the Lean Six Sigma initiative. A slight downturn in FY 2014 case closures is the result of dedicating investigative resources to both the Recruiting Assistance Program and The U.S. Army Intelligence and Security Command special investigations.

Figure 3.3 *DAIG–IN Investigations Closed Cases*
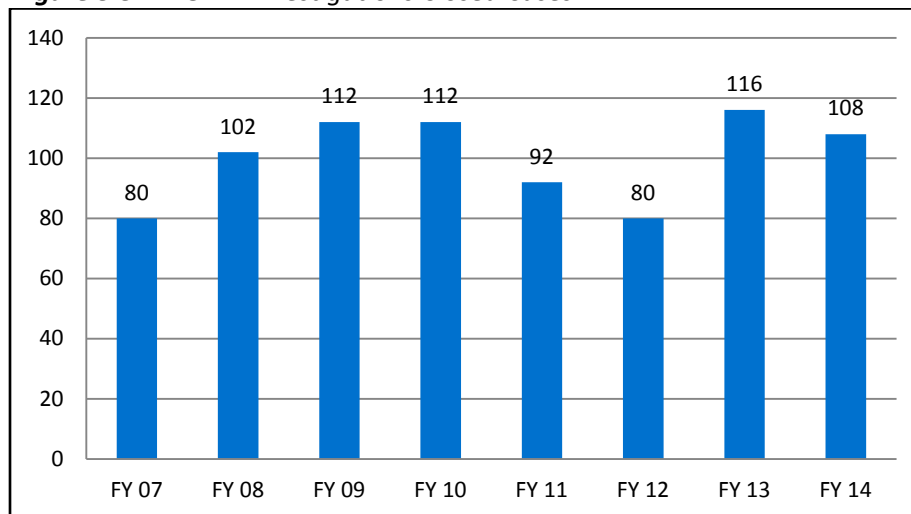
Timeliness Metrics/Trends by FY

The DAIG-IN's goal is to complete 85% of senior official investigations within 180 calendar days from the date DAIG-IN receives the complaint until the case is approved. This standard is achieved after the investigation is determined legally sufficient and approved by the directing authority. The DoD OIG oversight is not included in the 180-day standard.

In February 2012 in an effort to improve the timeliness of senior official investigations, DAIG-IN participated in a Lean Six Sigma efficiency study to identify chokepoints and ineffective processes and procedures affecting timeliness of senior official investigations. The results of the Lean Six Sigma review are not yet fully realized; however, initial Lean Six Sigma changes indicate improvements in the timeliness of investigations. The most significant change, which yielded immediate results, was the change to the organizational structure. Originally, DAIG-IN was composed of four branches: one preliminary investigations branch, one investigations branch, one administrative investigations branch, and one legal support branch.

The Preliminary Investigations Branch served as the focal point for all incoming complaints and was responsible for the disposition of over 70% of the cases. The branch chief was responsible for managing complaint intake, case management for 18 personnel, and other tasks as assigned by the division chief. The Lean Six Sigma study found this area a significant chokepoint in the investigative process. As a result, a second Preliminary Investigative Branch with an additional branch chief was established. Dividing this branch decreased span of control and branch chief review time, which ultimately improved the timeliness of investigations. The average number of days from receipt to approval of an investigation decreased from 253 days in FY 2012 to 208 days in FY 2013. Additionally, the DAIG-IN showed improvement for investigations identified as priority cases, decreasing the average from 197 days to 143 days. The average days for investigations in Table 3.2 does not show FY 2014 statistics. Since we still have a number of FY 2014 cases open, it is too early to provide an accurate representation of this data.

Table 3.2 *DAIG Average Days for Investigations*

	Investigations Initiated		
Average Number Days	**FY 11**	**FY 12**	**FY 13***
For investigation	222	253	208
For priority investigation	181	197	143

As of October 1, 2014, DAIG has 10 FY 13 investigations ongoing; all priority investigations are closed.

"As Is" State of Operations

Complaint Receipt and Investigative Processes

Complaint Review Process

Figure 3.4 depicts the DAIG-IN complaint review process. The DAIG-IN has a dedicated complaint intake cell to receive complaints from the DoD Hotline, other IG agencies, and complaints submitted directly to DAIG-IN via email, telephone, walk-in, or mail. The complaint intake cell maintains a system for receipt and accountability of information regarding alleged misconduct and impropriety by senior officials assigned to the Army and other individuals of special interest as received by the Inspector General from any source.

Figure 3.4 DAIG-IN Complaint Review Process
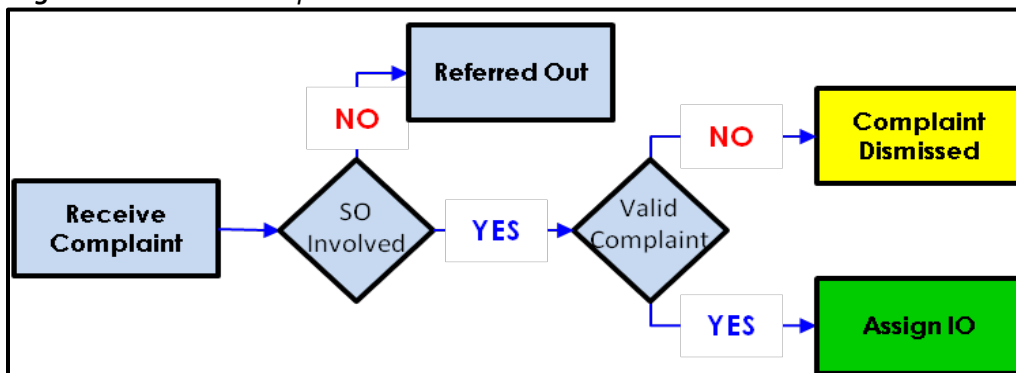
Complaints are examined to determine the investigative issues, the scope of a potential investigation, and whether the complaint has sufficient merit to warrant an investigation. Senior members of the complaint intake cell extract and develop initial allegations, which are refined later in the investigative process by the investigator and legal advisor.

Once the decision is made to conduct an investigation, the complaint intake cell develops an investigative plan encompassing all aspects of the investigative process, including the adaptation of appropriate investigative methods, techniques, and procedures. The complaint intake cell identifies resources required for the investigation, including referrals to other commands and investigative agencies for assistance. It determines whether the complaint involves a senior official and documents the complaint in the DAIG-IN Investigations Case Management System (ICMS). Additionally, the complaint intake cell determines whether the complaint involves a covered officer – defined as an officer pending promotion, retirement, or nomination that requires DAIG-IN to prioritize the investigation. Finally, the intake cell makes a recommendation to the division leadership on how to

resolve the complaint. If the division leadership determines an allegation against a senior official is credible, the intake cell assigns a case number, indicates the initial priority for the investigation, and passes the case to one of the three branch chiefs for assignment to an investigating officer.

The intake cell also records and monitors investigations of Army senior officials being conducted by organizations other than DAIG. This includes investigations by the Army's Criminal Investigation Command (CID), the Equal Opportunity Office, Assistant Secretary of the Army for Financial Management and Comptroller, and DoD OIG. The intake cell records these investigations in the database and monitors the investigation through completion.

Investigation Process

Figure 3.5 depicts the DAIG-IN investigative process. Once a branch chief assigns an investigation, the investigator works with an assigned legal advisor to develop the investigative plan. TIG and/or Deputy TIG notify the subject(s), rater, and senior rater of the investigation and provide the general nature of the allegation(s). The investigator gathers the evidence, interviews witnesses, and, if required, interviews the subject(s). If during the course of the preliminary investigation, a preponderance of the evidence suggests a case may be substantiated, a series of roundtables begin. The purpose of a roundtable is to obtain consensus within DAIG-IN regarding an action related to an investigation. Roundtables are conducted at three distinct points during an investigation: initial roundtable, pre-subject roundtable, and post-subject roundtable.

Figure 3.5 *DAIG-IN Investigative Process*
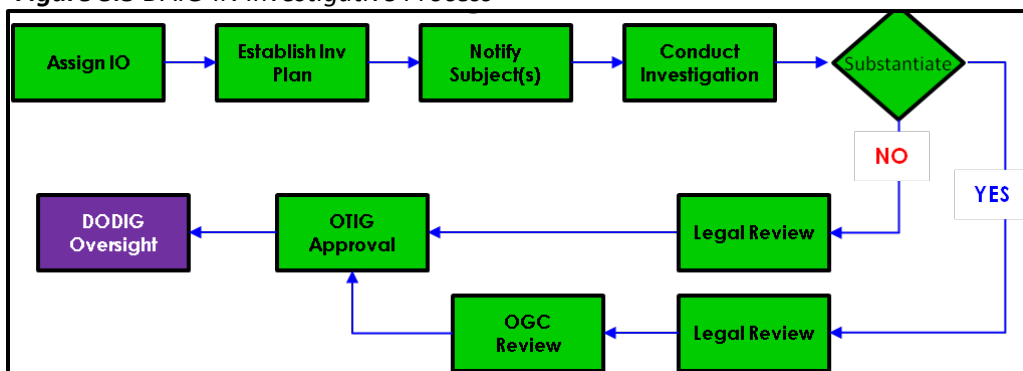
An initial roundtable is conducted to transition an investigation from the Preliminary Investigations Branch to the Investigations Branch after the report is deemed legally sufficient by both our internal legal team and TIG's legal advisor. The division chief or the deputy division chief chairs the roundtable. Also present at the roundtable are the Preliminary Investigations Branch chief, the Investigations Branch chief, IN legal, IG legal, and the Preliminary Investigations and Investigation Branch investigating officers. The Preliminary Investigations Branch investigator is responsible for scheduling the roundtable,

providing each member an electronic copy of the report, and leading a discussion of the salient points of the report. The desired outcome of the roundtable is a formal transition of the investigation from the Preliminary Investigations Branch to Investigations Branch. At the completion of a successful roundtable, the Investigations Branch investigator emails the attendees a summary of the major points from the briefing. The purpose of the summary is to provide a record of the roundtable and to ensure concurrence on decisions.

The pre-subject roundtable is conducted to review the investigative plan, verify allegations and standards, review the evidence, and approve subject interrogatories or line of questioning. The division chief or deputy division chief also chairs this roundtable, with the same attendees as the initial roundtable. The desired outcome of this roundtable is approval of the subject interrogatories. At the completion of a successful pre-subject roundtable, the Investigations Branch investigator emails the attendees a summary of the major points discussed and the intended subject interview date.

A post-subject roundtable is conducted to review subject testimony and to determine whether the allegation(s) are substantiated or not substantiated. This roundtable is essential when the investigator is uncertain whether to substantiate or not substantiate an allegation or there is a difference of opinion between the investigator and their legal advisor. The desired outcome of the roundtable is a consensus of whether the evidence supports a substantiation of each allegation. At the completion of a successful roundtable, the Investigation Branch investigator will email a summary to attendees highlighting major points discussed and the consensus reached regarding the allegation.

With rare exceptions, the investigator conducts all interviews telephonically or in person at the Pentagon. Throughout the investigative process, the investigator drafts the report of investigation and submits it for legal and division internal review. If the investigator does not recommend substantiating the allegation, the case is submitted for legal review and to the Office of The Inspector General for approval. If the investigator recommends substantiating the allegation, the TIG's legal advisor and the Office of the General Counsel review the case before submitting it to the Office of The Inspector General for approval. The Deputy Inspector General approves all not substantiated cases for 2-star general officers and SES equivalents. TIG approves all substantiated cases regardless of rank.

DoD OIG Oversight

After the Office of The Inspector General approves the investigation, DAIG-IN submits the case to ODIG-AI for concurrence. Based on case priorities determined by the General Officer Management Office, DAIG-IN coordinates with ODIG-AI to establish Army priorities for oversight reviews. Once ODIG-AI concurs with the investigator's finding, DAIG notifies the subject(s) of the results of the

investigation. DAIG notifies the complainant of the results only when the complainant was personally affected by the alleged wrongdoing of the senior official.

Technology

The DAIG-IN uses the ICMS database to track the staffing progress of all investigations within DAIG, as well as tracking other agencies conducting investigations of Army senior officials, such as CID, the Equal Employment Opportunity Office, or DoD OIG. The ICMS allows investigators to update the status of their investigations, while providing the senior leadership oversight of ongoing investigations. Additionally, the ICMS database is the primary tool used in developing trend analysis and statistical data for TIG outreach initiatives.

Role of Legal Counsel

The DAIG-IN has a dedicated legal team attached from the Office of The Judge Advocate General to assist the investigators and division leadership with senior official investigations. The legal team is comprised of three military and one civilian attorney who advise the investigators from the receipt of the complaint to the completion of the investigation. The legal team assists the investigator in framing allegations, ensuring the investigator applies the correct standard(s) during the investigation, and reviewing interrogatories for interviews. Additionally, the legal team reviews every investigation prior to submitting the case to the Office of The Inspector General for approval. The DAIG-IN also has three assigned court reporters, two military and one civilian, for the verbatim transcription of interviews. DAIG-IN maintains a transcription contract available to sustain transcription requirements as a surge capability.

Improvements Made to Date

The DAIG-IN made significant, measureable improvements as a result of the Lean Six Sigma review. Additional internal reviews and standardization have further streamlined investigation processes and procedures. Some best practices include the following.

Manning. In 2013, the Chief of Staff of the Army designated the DAIG as a manning priority. This prioritization resulted in DAIG-IN being manned at 100%. Additionally, DAIG moved the Records Screening Branch from DAIG-IN to establish a separate Records Screening Office. As a result, DAIG-IN no longer performs the record screening mission for Army senior officials and instead concentrates solely on senior official investigations.

Standardization. The Lean Six Sigma initiative recommended establishing one standard report of investigation. This one report replaced the preliminary report of investigative inquiry and the report of investigation. As a result, one standardized report exists for all investigations. Additionally, the DAIG gained efficiency in establishing a template library for all required investigative documents codified in division Standard Operating Procedures. Finally, TIG established a measurable standard of completing 85% of investigations within 180 days.

Organizational changes. After completing the Lean Six Sigma review, DAIG-IN made internal organizational changes that included establishing a dedicated complaint intake cell. This cell is responsible for conducting initial complaint analysis to determine whether a complaint constitutes a credible allegation against an Army senior official. Additionally, DAIG-IN split the Preliminary Inquiry Branch into two preliminary investigation branches to eliminate an identified chokepoint for investigations.

Early coordination. DAIG-IN places emphasis on early coordination with the General Officer Management Office, DoD OIG, and the Office of General Counsel as part of the investigative process for priority cases. The intake cell works with the General Officer Management Office to determine if an investigation should become a priority case for covered officers. The General Officer Management Office identifies covered officers to DAIG-IN as pending an action (appointment, assignment, award, or retirement) that requires review by the Secretary of the Army, the President, or confirmation by the Senate. Additionally, by reaching out to DoD OIG and Office of General Counsel at the beginning of the investigation, DAIG-IN shares critical information to facilitate expeditious closure to senior official investigations. Early coordination allows DAIG-IN to investigate senior officials thoroughly while simultaneously keeping senior leaders informed throughout the investigative process.

Training program. Another initiative from the Lean Six Sigma review was establishing a comprehensive training program for all division personnel. This includes internal sustainment training taught by senior investigators, writing courses for investigators taught by outside institutions, The Inspector General School Advanced Course, DoD OIG Whistleblower Reprisal Training, and DoD OIG symposiums. Additionally, DAIG-IN established a mentoring program for new investigators that includes a "check ride" program. Senior/experienced investigators ensure the new investigators understand the steps required for an investigation from the receipt of the complaint to the quality assurance/quality control checks to close out an investigation. The mentorship program enables the division to develop capacity for investigating cases that are more complex, to improve accuracy and thoroughness of investigations, to build/promote confidence in our less experienced investigators to interview senior officials, and to improve the overall timeliness of investigations.

Factors Affecting Timeliness

The Secretary of the Army, the Chief of Staff of the Army, or TIG may direct a special interest investigation based on concerns from members of Congress, the senior Army leadership, or the media. Previous special investigations include investigations of Arlington National Cemetery, the Recruiting Assistance Program, and the Homeowners Assistance Program. Although senior officials were not initially identified, DAIG-IN took the lead in these investigations because of the sensitivity and interest in the topics. These special interest investigations are manpower intensive and may significantly impact the timeliness of senior official investigations. To minimize the impact on DAIG-IN, TIG typically identifies IGs across the agency as a surge capability to conduct the investigation and to minimize the impact to the senior officials Investigations Division. The DAIG-IN provides leadership for the investigation team for the duration of the special interest investigation. This ultimately degrades the timeliness of both priority and non-priority cases.

Internal

Another factor impacting timeliness of senior official investigations is the rotation of our military force every 2 to 3 years. New investigating officers are assigned a training mentor – normally their sponsor. The mentor is responsible for the integration of the new investigator into the division. The mentor will assist the new investigator with a thorough understanding of standard operating procedures and through the conduct of initial inquiries. The mentor is also responsible for advising the Preliminary Investigations Branch chief on the status of the new investigator's progress. While this program is time intensive for an experienced investigator, we believe it is necessary in developing the investigative skills of new personnel arriving to DAIG-IN.

Training is conducted monthly within DAIG-IN. Training focuses on updates and/or clarification of standard operating procedures, regulations, and areas requiring special emphasis. Training topics have included whistleblower reprisal procedures, redress procedures for evaluations, travel policies, equal employment opportunity procedures, due process reviews, ethics, and lessons learned from specific investigations. This training program is developed and managed by members of the DAIG-IN.

Changes in investigative priorities also impact the timeliness of senior official investigations. Allegations against senior officials nominated for new assignments or selected for promotion require shifting investigation priority. All allegations must be addressed and adjudicated before the nomination or promotion can proceed.

External

The 2013 Sequestration brought to light key positions and critical functions affected by the loss of the civilian workforce. The sequestration significantly disrupted ongoing investigations and the processing of new complaints. Military personnel were required to backfill DAIG-IN civilians in key positions in order to maintain day-to-day operations. While the government shutdown lasted only 2 weeks, it prompted DAIG-IN to identify roles and responsibilities for key positions and critical operations that DAIG-IN must maintain in the future. These key positions included the government employees assigned to the complaint intake cell, the deputy division chief, select members of the Investigations Branch, and select government employees in the Investigations Support Branch. Because the Investigations Branch is primarily composed of civilian employees, the impact to senior official investigations was significant. Time loss during sequestration had a very significant lasting effect; not only were 2 weeks of investigative efforts lost, but the time to re-establish investigative momentum was noticeable. DAIG mitigates the impact of these external influences on timeliness through its organizational training program that addresses these critical roles and functions.

"To Be" State of Operations

Optimal Resource Level

DAIG's embedded legal support from the Office of The Judge Advocate General is paramount to achieving established timeliness goals and objectives. This team provides continuous support to the investigation from receipt of the complaint through approval. Experienced attorneys play a critical role in senior official investigations and are an invaluable part of the team. The loss of this attached asset would be detrimental to achieving our goal of 85% cases completed within 180 days.

DAIG-IN will participate in an Office of Business Transformation manpower study under the auspices of the Boston Consulting Group to discuss requirements based on our growth industry and external drivers.

Complaint Receipt and Investigative Processes

The Lean Six Sigma review allowed DAIG-IN to identify and address operational inefficiencies and organizational chokepoints of senior official investigations. These adjustments have yielded a significant improvement in the timely completion of senior official investigations. The increase in complaints received over the past 3 years requires DAIG to continuously review and assess the intake process, current staffing, and current processes to ensure the processes are sufficient to meet the increased

workload. DAIG can use the lessons learned from the previous Lean Six Sigma survey to make this assessment, along with the results of this timeliness report.

Technology

The DAIG-IN is reviewing possible efficiencies to be gained by transitioning to a paperless workflow involving the electronic processing of investigations and associated administrative tasks. The DAIG is working to implement Microsoft Office SharePoint as a collaborative tool across the agency. When implemented, SharePoint will improve transparency and efficiency during the investigative process. An accelerated migration of D-CATS to Service and Combatant Command IGs will achieve the type of efficiencies and timeliness required by DoD OIG.

Future Improvements

The DAIG-IN continues to review our processes and training to gain efficiencies and to improve the timeliness of senior official investigations. Training the new members of our investigations team remains our near term challenge. During FY 2014, the DAIG-IN received eight new personnel; the division chief, two branch chiefs, and five investigating officers arrived within the past 60 days. While listed as a challenge, it is presented in the future improvements arena because it does present a unique opportunity for the division. The new members of the team give us an opportunity to question our processes and look for efficiencies.

Recommendations

We have seen an increase in reprisal complaints over the past year. In fact, reprisal complaints have become our number one complaint. We expect this increase to continue in the future due to separation and early retirement boards required to meet the continued decrease in end-strength. Given this anticipated increase in reprisal complaints, consideration should be given to increase the number of ODIG-AI investigators that provide oversight to senior official whistleblower cases.

D-CATS is a possible solution for case management as well as a management tool for the leadership. ODIG-AI needs to identify the requirements for implementation of the system to the Army and project a realistic timeline with solid metrics/goals. The issues with fielding D-CATS to the Services should be addressed in a working group to better define a projected fielding timeline. While there are impacts to fielding D-CATS to the senior official Investigations Division, the concern lies with the fielding of D-CATS across the Army Inspector General Agency. DAIG currently operates and maintains the IGARS database, a system of record used by every IG in the Army. An extensive data migration and training effort is required to field D-CATS to the DAIG and its subordinate field offices. These requirements must be

carefully synchronized to ensure no adverse impact to momentum and timeliness in completing senior official investigations.

The 180-day standard to complete cases of whistleblower reprisal allegations should be defined as the date the Service receives the case until Service approval of the case. Historically, it takes DoD OIG approximately 20 days to perform their intake process of whistleblower reprisal cases. If the DoD OIG oversight includes the 180 days, DoD OIG should consider reducing their oversight time to provide the Services adequate time to investigate the matter properly.

Part 4
Department of the Navy
Inspector General

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Department of the Navy Inspector General (NAVINSGEN)

Introduction

Governing Instructions/Policies

The Special Inquiries Division supports the Naval Inspector General's responsibilities established under DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," dated June 6, 2013, and SECNAVINST 5800.12B, "Investigation of Allegations Against Senior Officials of the Department of the Navy," dated October 18, 2005. The director of the Special Inquiries Division reviews and provides recommendations regarding all allegations against Flag Officers, Retired Flag Officers, Flag Officer selectees, SES members, and SES equivalents. With input from the director, legal staff, and Deputy Naval Inspector General, the Naval Inspector General determines a course of action. The Special Inquiries Division investigators conduct any required investigations or inquiries; they also conduct non-senior official investigations when requested by higher authority or under special circumstances (Office of Special Counsel Investigations).

For matters involving possible serious criminal offenses by senior officials, Naval Criminal Investigative Service conducts the investigation. While the Naval Criminal Investigative Service may conduct these investigations, NAVINSGEN has a requirement to report such allegations to the DoD OIG per DoD Directive 5505.06.

Organization Chart and Staffing

The Special Inquiries Division is one of six divisions under the leadership of the Naval Inspector General, in addition to the Resources Management Division, Intelligence Oversight Division, Inspections Division, Hotlines and Investigations Division, and the Special Studies Division. To view the NAVINSGEN organizational chart, see Figure 4.1.

Figure 4.1 NAVINSGEN Organization Chart
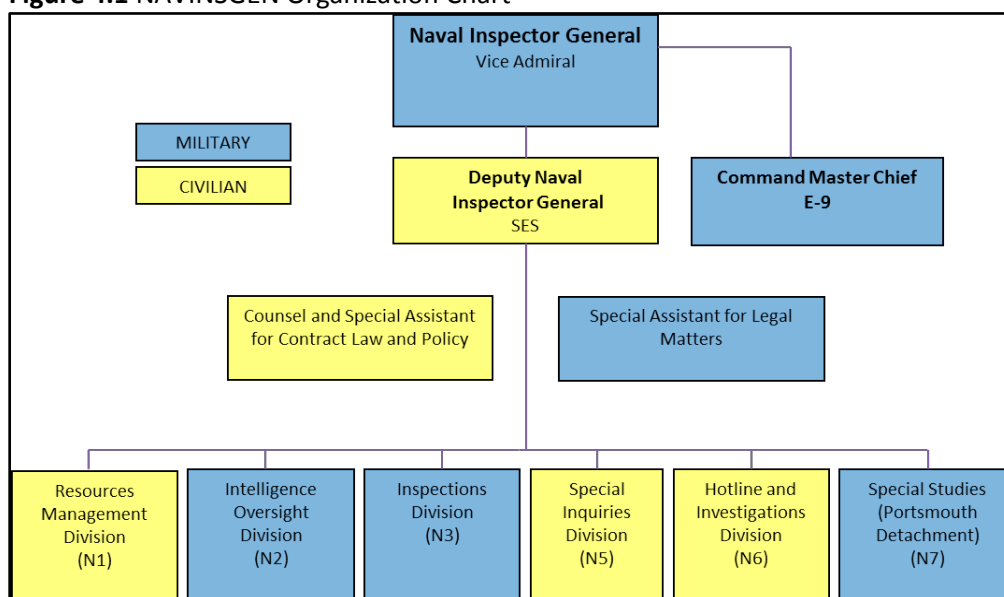
Figure 4.2 depicts manning in the Special Inquiries Division beginning calendar year (CY) 2008 to present.

Figure 4.2 NAVINSGEN Special Inquiries Division Manning CY 2008 – CY 2014*
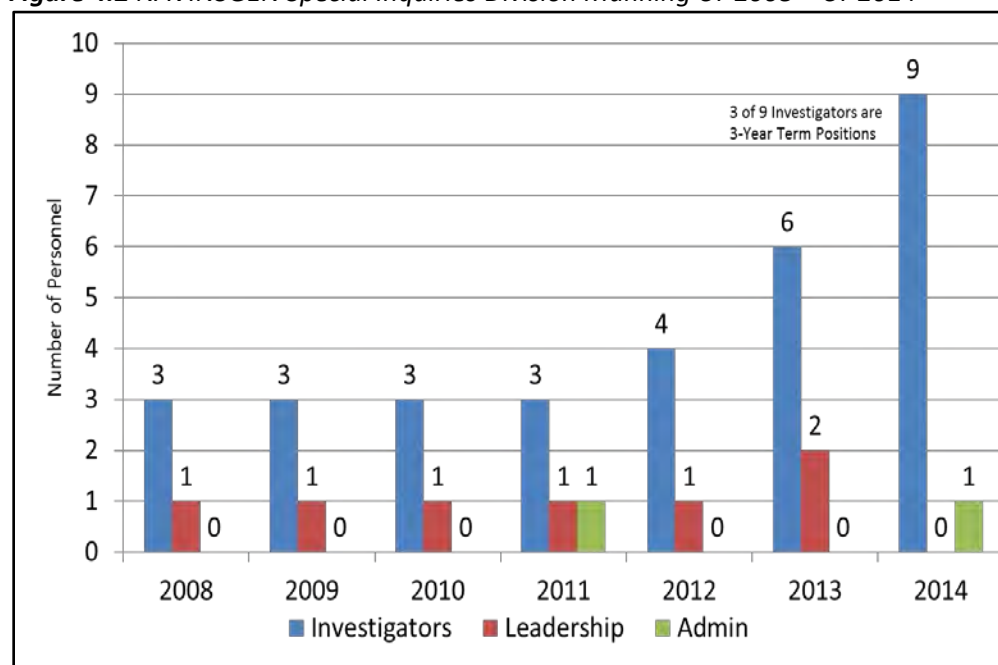
as of October 2, 2014

The Special Inquiries Division currently has billets for a director (GS-15), deputy director (GS-15), administrative assistant (Active Duty E-7), and six investigators (GS-14). In addition to the six investigators, the division has three temporary 3-year term investigators.

The Special Inquiries Division experienced considerable fluctuation in available manpower over the past 4 years for a variety of reasons that inhibited the division from being able to meet the demands of the increased number of senior official complaints. The director took an unexpected extended medical leave of absence, as did the deputy director. To fill the gaps, NAVINSGEN rotated successive investigators into the leadership positions, requiring the division to adapt to recurring changes in duties, expectations, and processes. The recent addition of investigators is a welcome improvement but demanded the director's additional time spent mentoring investigators, somewhat impacting case processing timelines. In September 2014, the director transferred from NAVINSGEN to another position within Government service, and the deputy director remains on a medical leave of absence. Currently, there is an acting director, and the deputy director billet remains vacant.

Prior to December 2012, the Special Inquiries Division handled all senior official military whistleblower cases. In December 2012, NAVINSGEN's Military Whistleblower/Mental Health Branch under NAVINSGEN's Hotline and Investigations Division assumed responsibility for investigating senior official military whistleblower cases, which averaged less than 10 cases per year. This was due to a lack of investigators in the Special Inquiries Division and the rising number of senior official complaints. At that time, NAVINSGEN's Military Whistleblower/Mental Health Branch had substantially increased its number of investigators from 2 to 10 billets in an effort to clean out a backlog of non-senior official cases and ensure completion of investigation of cases within 180 days, as required by statute.

Senior Official Demographics

Over the past 4 years, the population of active duty and Reserve Flag Officers, as well as SES employees, Senior Leaders, and Presidential Appointees, has remained relatively stable.

Table 4.1 depicts the composition of senior officials in the Navy from FY 2011 through FY 2014.

Table 4.1 *NAVINSGEN Senior Official Demographics*

Fiscal Year	Presidential Appointees	General/Flag officers Filled			SES	SL*	Total Senior Officials
		Active	*Guard*	*Reserve*			
2011	7	234	N/A	48	322	8	619
2012	7	234	N/A	48	314	10	613
2013	4	234	N/A	48	314	11	611
2014	6	234	N/A	43	303	13	599

*SL – Senior Leaders

Historical Workload and Timeliness Metrics

Complaints Received/Investigations Closed

The total number of complaints received has increased significantly over the past few years with the current CY 2014 number of complaints on pace to be the highest on record. This increase in complaints has significantly taxed the resources of NAVINSGEN.

Figure 4.3 NAVINSGEN Senior Official Complaint Trend (CY 2008 – CY 2014)
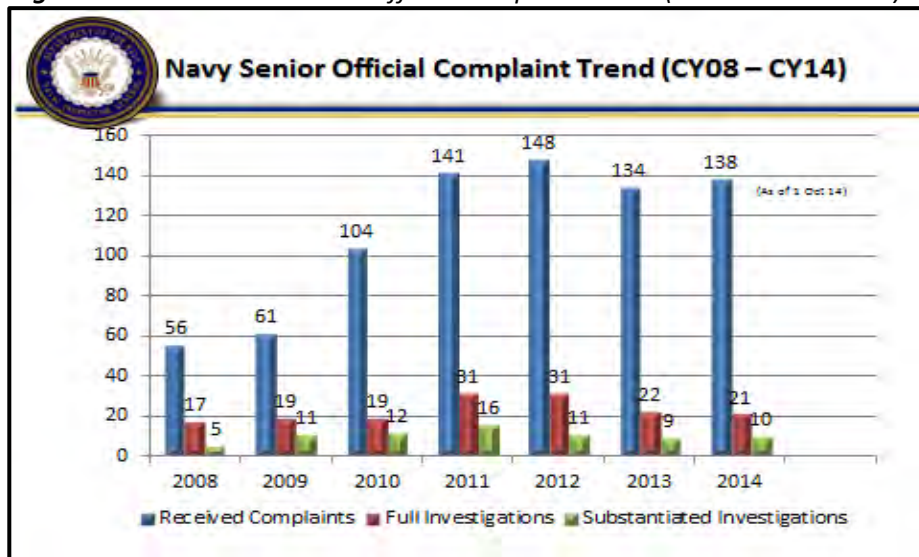
Timeliness Metrics/Trends by FY

The increase in the number of assigned investigators over the past year has lagged behind the increase in complaints, driving up investigator workload and the corresponding ability to close cases in a timely manner. As seen in Table 4.2, the average number of days to close a Navy senior official investigation has approximately doubled over the past 4 years as expected benefits from recent personnel increases have not yet been realized.

Table 4.2 NAVINSGEN Special Inquiries Division Timeliness

	FY 11	FY 12	FY 13	FY 14
Number of Investigations Closed	14	25	20	19
Average # Days Investigation Start to IG Approval	144	165	234	272
Median # Days Investigation Start to IG Approval	95	113	224	253
Average # Days Complaint Receipt to IG Approval	169	235	290	365
Median # Days Complaint Receipt to IG Approval	129	197	265	307

"As Is" State of Operations

Complaint Receipt and Investigative Processes

Complaint Receipt

The Special Inquiries Division normally receives complaints via email, phone, hotline, walk-in, or referral. Most complaints come to the Special Inquiries Division from the Navy Hotline. They originate directly from complainants, or they are forwarded to the Navy Hotline from lower level Commands or DoD OIG after receiving the complaints. Referrals most commonly come from DoD OIG, lower level Navy IGs, and Congress. Recently the Naval Inspector General has tasked the division with assisting lower echelon Inspector Generals with investigations directed by the Office of Special Counsel. Figure 4.4 depicts an overview of the senior official complaint process.

Figure 4.4 NAVINSGEN Investigative Process
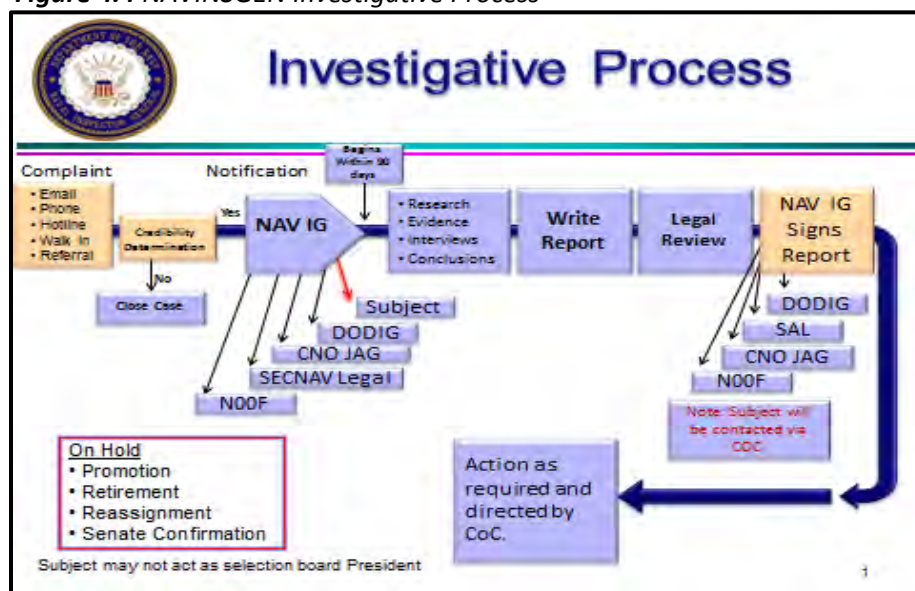
Complaint Intake – All Complaints

When the Special Inquiries Division receives senior official complaints, the director or deputy director screens the complaints to determine if they identify and accuse senior officials of misconduct or violations of laws or regulations. If so, the administrative assistant establishes case files in the Naval Inspector General Hotlines Tracking System (NIGHTS),[1] the current case management system that assigns a NIGHTS case number to each complaint and in the NAVINSGEN shared drive, which is currently

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[1] NIGHTS was developed in January 2008 by the Naval Education and Training Professional Development and Technology Command.

the official record for maintaining all relevant documents. The administrative assistant enters the subject's name and allegations, notes the allegations as undetermined in the database, and uploads the complaint and other relevant documents.

Complaint Intake – Non-DoD OIG Tasking

After a complaint is entered into NIGHTS and a shared drive file is created, the director, deputy director, or assigned investigator assesses the credibility of allegations of misconduct and makes a recommendation whether further investigation is warranted. A Credibility Determination form is used to summarize facts and allegations contained in the complaint, identify options for resolution, and provide the director's recommendation for the way forward. The form is routed to NAVINSGEN legal and the Deputy Naval Inspector General for their recommendations prior to the Naval Inspector General's determination.

If the Naval Inspector General determines that no credible allegation is raised, the basis for that determination is documented, the Credibility Determination form is uploaded to the NIGHTS document library without further distribution, and the case is closed as investigation not warranted. Generally, neither Navy leadership nor the subject will be informed, but the director or deputy director will notify any identified complainant of this determination.

As the director's tasks expanded this year with the increase of investigators and the lack of a deputy, the director often directed investigators to perform intake of complaints and draft credibility determinations. This practice caused some delay in the intake process as it took time for new investigators to gain the experience and familiarity to process complaints expeditiously, while at the same time continuing to work other assigned investigations. Although this change enhanced the investigators' ability to observe and participate in the entire process from inception, from a timeliness perspective the credibility determination process took longer.

The director retains some authority at his level to determine if a complaint is not credible, and if so determined, will document that determination and its basis in NIGHTS and close the case as investigation not warranted. The director will inform the Naval Inspector General and Deputy Naval Inspector General of this determination, if considered necessary, as well as an identified complainant. Navy leadership and the subject are generally not informed in these cases.

Complaint Intake – DoD OIG Tasking

DoD OIG refers complaints to NAVINSGEN as either a referral for information or referral for action. If NAVINSGEN receives a referral for information complaint, the administrative assistant opens NIGHTS and shared drive case files as described above. If the director or deputy director believes the allegation

may warrant an inquiry, an investigator is assigned. If they determine an inquiry is not warranted, they will direct the administrative assistant to upload the complaint and DoD OIG referral into NIGHTS and the shared drive case files and close out the case as investigation not warranted per the director's authority.

If NAVINSGEN receives a referral for action complaint, the director or deputy director directs the administrative assistant to open NIGHTS and shared drive case files as described above. In this case, the director or deputy director prepares email notification to Navy senior leadership and Flag Officer management offices. The director or deputy director determines the priority of the case, assigns an investigator, and enters the new case onto the Bi-Weekly Report, which the Naval Inspector General provides to the Under Secretary of the Navy and the Vice Chief of Naval Operations. The case may be processed as a preliminary inquiry or an investigation, both subject to DoD OIG oversight.

Investigative Process

If NAVINSGEN determines a complaint raises a credible allegation, NAVINSGEN opens an investigation and notifies the Secretary of the Navy, Under Secretary of the Navy, Chief of Naval Operations, the Vice Chief of Naval Operations, the Flag management office, the Commander in the subject's chain-of-command, and DoD OIG.

The Naval Inspector General (or Deputy Naval Inspector General for SES subjects) also notifies the subject of the general nature of the allegations. The Naval Inspector General cautions the subject to not discuss the matter with potential witnesses without IG agreement in order to safeguard the integrity of the investigation and prevent allegations that the subject attempted to improperly influence the investigation. This does not preclude the subject from speaking with an attorney who is not a witness in the investigation.

Investigative Plan

Usually, one investigator is assigned to work each case. The director, deputy director, or a more experienced counsel mentors less experienced investigators. Two or more investigators may be assigned to work together for more complicated investigations.

After being assigned an investigation, the investigator drafts an investigative plan. The plan consists of the name of the subject; the allegations and issues identified for investigation; relevant statutes, directives, regulations, and policies; whether any prior investigations were conducted pertaining to the subject; a list of evidence including, but not limited to, documentary evidence, witnesses, and physical evidence; notifications made; a proposed itinerary; and expected completion date. The investigative

plan is considered a living document and may be modified as the investigation progresses. The director or deputy director reviews it, makes suggestions, and approves it.

Interviews

Interviews are conducted in person, by telephone, or video teleconference. While it is common for a lead investigator to ask another investigator to assist with or second-chair interviews of witnesses, it is not required. An experienced investigator will be assigned to assist less experienced investigators during interviews until expertise is achieved. If it is more efficient to travel to a location to interview a number of witnesses who are co-located and/or collect documentary evidence, the investigator will usually request temporary duty to accomplish the mission. Interviews of the subject are usually conducted in person and by the lead and an assisting investigator. The previous director (departed September 2014) believed that traveling to the site had the beneficial byproduct of exposing the investigators to the mission and conditions of Navy field units at large.

Interviews are recorded using a hand-held recorder and submitted to a contracted company for a verbatim transcription, which is typically returned within 5 business days.

Collection of Documentary Evidence

Documentary evidence may be collected via hard copy or disk provided in person or sent by mail, by email, by facsimile, or by collecting documents via the Internet. When documentary evidence is collected, it is loaded onto the shared drive under the subject's electronic case folder.

Drafting the Report of Investigation and the Tentative Conclusions Letter

The investigators may complete the investigative fieldwork and begin drafting the ROI, or they may begin drafting the ROI during the course of the investigation. The ROI typically will begin with a preliminary statement that summarizes the complaint and the investigator's findings. The investigators work closely with the director and/or deputy director and legal counsel to identify the relevant standards to use in the investigation. When a full draft of the report is completed, the director or deputy director reviews the draft, and the investigator makes necessary modifications and forwards it to legal counsel for review.

In a case with substantiated allegations, after legal review and any modifications to the ROI, NAVINSGEN sends a tentative conclusions letter to the subject. This process began in early 2014. The tentative conclusions letter outlines the tentative findings and advises the subject they have 14 days to review and comment on the report to explain why the findings were incorrect or add context that NAVINSGEN may have overlooked. The Deputy Naval Inspector General signs the tentative conclusions letter. The

administrative assistant attaches the draft ROI or a portion of the draft ROI, whatever NAVINSGEN determines relevant and necessary, to the signed tentative conclusions letter and forwards it electronically to the subject. At the conclusion of the 14-day period, the investigator, the director or deputy director, and legal counsel review any matter the subject provides, and the investigator makes necessary modifications to the ROI.

The administrative assistant then prepares a package for the Deputy Naval Inspector General and the Naval Inspector General. The package includes letters to DoD OIG, Chief of Naval Operations (copy to the Secretary of the Navy, the Vice Chief of Naval Operations, Judge Advocate General, Office of General Counsel); the draft ROI; and tentative conclusions letter (if applicable). The Deputy Naval Inspector General reviews the package, makes any recommended changes, and forwards the package to the Naval Inspector General for review and decision. After the Naval Inspector General signs the ROI and letters to DoD OIG and Chief of Naval Operations, the administrative assistant electronically uploads copies of the documents to the case file on the shared drive as well as the NIGHTS case file. The administrative assistant prepares emails attaching the ROI, applicable letters and relevant evidence, and sends electronic copies to DoD OIG for oversight review. The administrative assistant also prepares email notification to Navy senior leadership and Flag management offices.

Military Whistleblower Cases

Since December 2012 (when senior official military whistleblower cases were transferred to the Hotlines and Investigation Division), the Special Inquiries Division administrative assistant drafts a notification letter when the division receives a reprisal complaint, and the director notifies DoD OIG and Navy leadership. The Military Whistleblower/Mental Health Branch conducts the investigation and closes the case after receiving concurrence on the findings and approval from ODIG-AI Whistleblower Reprisal Investigations directorate. On some occasions, the Special Inquiries Division has conducted military whistleblower investigations if a senior official is the subject.

Review by DoD OIG

Results of NAVINSGEN investigations and preliminary inquiries and all supporting records/evidence are submitted to the DoD OIG for final review. DoD OIG may concur, non-concur, or direct further investigation. Final DoD OIG decisions are reflected in both the DoD OIG and NAVINSGEN databases.

Technology

Naval Inspector General Hotlines Tracking System (NIGHTS)

The Special Inquiries Division uses NIGHTS, the current case management system, to assign a NIGHTS case number to each complaint and electronically collect pertinent information and documents. Investigators can upload the following information into the NIGHTS case folder: information pertaining to the subject, the complainant, witnesses, allegations, standards, correspondence, investigative plan, and investigative reports.

Shared Drive

In addition, the Special Inquiries Division establishes case files on the shared drive using the NIGHTS number and last name of the subject. This file is considered the official case file and contains all documents relevant to the case.

Recorders and Transcriptions

The Special Inquiries Division uses battery-operated hand-held electronic recorders to tape interviews. After conducting interviews, the investigator downloads the audio recordings of the interviews onto the shared drive and submits an electronic Office Needs Request form to the resources specialist in NAVINSGEN's Resources Management Division to obtain verbatim transcripts. The resources specialist uploads the audio recordings into an electronic file of a company contracted by the Navy for transcription, typically requesting a 5-day turnaround (quicker upon request for a higher fee.)

Video Teleconference Capability

The Special Inquiries Division employs the use of telephonic and video teleconference interviews for witnesses both in and out of the DC metro area. If the investigator and divisional leadership determine that conducting multiple interviews on-site is beneficial, investigators travel and conduct interviews on location over a period of days. The policy for interviewing subjects, however, has been to conduct a face-to-face interview with every subject unless the subject declines and suggests a telephonic or video teleconference interview. This practice was implemented to maximize the due process rights of subjects, some of whom will have substantiated allegations against them and thus, have adverse material placed in their official record.

Role of Legal Counsel

NAVINSGEN has five lawyers who provide advice and counsel to all NAVINSGEN personnel – two active duty counsel from the Navy Judge Advocate General Corps (O-6 and O-5) and three lawyers from the

Office of General Counsel (two GS-15s and one GS-14). Although no legal counsel is dedicated solely to the Special Inquiries Division, the division works closely with the NAVINSGEN legal team. Specifically, the lawyers provide recommendations on the Credibility Determination form during the complaint intake process regarding whether a complaint includes credible allegations and whether an investigation should be opened. In addition, the lawyers assist with identification of appropriate standards in investigations when investigators request assistance. Although NAVINSGEN lawyers are not investigators, if requested, they will assist investigators with select interviews.

Improvements Made to Date

Addition of N5 Deputy, Administrative Assistant, and Investigators

The Special Inquiries Division has grown considerably since 2011, adding a deputy director, administrative assistant, and six additional investigator billets. Through the addition of these billets, the division had the manpower to administratively close a backlog of approximately 120 cases in NIGHTS. The backlog of cases were those that had been previously opened, assessed as lacking credibility, and required closing of the electronic case file in NIGHTS to complete the record, including the upload of necessary documentation. That administrative burden completed, the division is now able to focus on the open complaints requiring assessment and investigations.

With the relatively recent addition of new investigators comes the relative inexperience of the investigator cadre in conducting Navy senior official investigations and writing reports at a level expected by Navy and DoD senior leadership. The longest tenured investigators with experience conducting Navy senior official investigations have been employed by NAVINSGEN for just three and a half years. As the investigator cadre gains experience and the latest hires finalize their assigned casework, the expectation is that the overall output and productivity of the division should improve.

NIGHTS Rebuilds

When NIGHTS became fully operational on January 1, 2008, the then director, Special Inquiries Division, elected not to use NIGHTS for case tracking because the number of senior official complaints per year was low (approximately 30 – 50) and easily tracked using a spreadsheet. NIGHTS was designed primarily as a case tracking and management system for the NAVINSGEN Hotlines and Investigations Division and was not necessarily tailored for senior official case tracking. In 2010, the number of senior official complaints more than doubled, and the division began using NIGHTS more rigorously but not as the official database for cases.

In 2014, NAVINSGEN facilitated some changes to NIGHTS, making the system more user-friendly for the Special Inquiries Division. NIGHTS, however, still does not track the entire progression of a case from inception to completion. Overall, the system is insufficient for NAVINSGEN's senior official cases, necessitating a better information technology solution. As an interim measure, the division recently developed an internal tracking spreadsheet to monitor case progress and better track process milestones.

Change in NAVINSGEN focus in September 2013

Starting in fall 2013, the NAVINSGEN team elevated their focus on the growing backlog of cases, the lengthy complaint intake process, and timeliness of completing ROIs. The team devoted significant effort toward backlogged cases and elevated the priority of some long-standing SES cases. There was some emphasis on critically assessing cases meriting investigation and formalizing NAVINSGEN processes including memorializing intake in one document, a standardized Credibility Determination form. This form summarizes the facts and allegations contained in the complaint, identifies options for resolution, and includes the recommendation of the director, the legal division, and the Deputy Naval Inspector General, as well as the Naval Inspector General's determination on whether or not to investigate a complaint. Through bi-weekly meetings, the team sharpened their focus on the status of pending complaints, preliminary inquiries, and investigations, and incorporated a healthy questioning attitude about delays, which contributed to a more expeditious processing of cases. The division expects to see improvement in timeliness metrics over time.

Standard Operating Procedures (Pending)

With the addition of an administrative assistant, the director assigned some tasks previously performed by investigators to the administrative assistant to increase consistency and efficiency. In conjunction with this effort, the administrative assistant has begun drafting new Standard Operating Procedures that will record standardized processes and educate current and future division employees.

Standards Library (Pending)

The Special Inquiries Division identified the need for a standards library. This task is in the planning stage. With divisional manning at an optimal level, the division hopes to initiate this effort in the near future.

Factors Affecting Timeliness

Internal

The Special Inquiries Division noted the following internal factors affect the timeliness of investigations and ROIs.

- Lack of investigators;
- Case complexity (number of allegations, number of subjects, complex subject matter);
- Lack of continuity of divisional leadership;
- No consistent divisional administrative assistant until February 2014;
- Rotation of investigators in divisional leadership (November 2013 – present);
- Experience and capabilities of investigators;
- Inconsistent seeking of legal guidance from case onset;
- Short-fused taskers and investigations not related to senior official complaints;
- Emerging high priority cases/changing priorities;
- Delays inherent with the Tentative Conclusions Letter process; and
- Lack of process standardization.

External

In addition, the following external factors affect the timeliness of investigations and ROIs.

- Identifying and using subject matter experts;
- Availability of witnesses (such as reservists, witnesses deployed/at sea);
- Obtaining documents (such as emails);
- Involvement of lawyers to represent subject; and
- Furlough of Government civilians in the wake of sequestration and Government shutdown.

"To Be" State of Operations

Optimal Resource Level

In 2014, the Special Inquiries Division achieved optimal billets for its leadership, investigators, and administrative assistance (although we note the deputy director billet was vacant as described above).

As such, the division was able to close the administrative backlog of cases and assess current complaints in a timelier manner.

In order to make continued necessary improvements and efficiencies, the division requires continuous, stable and effective senior leadership (director and deputy director) for the long term. The short-term rotation of investigators to cover the leadership positions prompted by the lengthy absences of the director and deputy director contributed to instability of the division, reduced investigative resources, and negatively affected the timeliness of senior official investigations and ROIs.

The division also requires consistent administrative assistance, which will allow implementation of new Standard Operating Procedures, a standards library, and templates for standardization of ROIs and correspondence. ODIG-AI ISO has advised that it is developing a standards library that will be shared with the Services, although it will need to be supplemented with Service-specific standards. This will enhance investigators' ability to identify the proper standards to be used in evaluating complaints and will therefore contribute to the increased timeliness and overall quality of the ROIs. In addition, continuous administrative assistance will relieve investigators of some administrative duties, which will increase the investigators' efficiency.

Finally, the historical increase of senior official complaints over the last 8 years is indicative of the growing trend in the Navy community to report alleged violations of law and regulations. Assuming the number of complaints remains consistent in 2015, with current optimal resourcing of nine investigative billets, the division has the ability to gain efficiencies and complete investigations in a timely manner. This level of manning also allows for at least minimal surge capacity in the event the division receives unexpected taskings not related to senior official case work in addition to the usual influx of senior official complaints. Presently though, the 3-year term employees are temporary and entitlement will end at 3 years of employment. When this occurs, the division will be reduced to six permanent investigative billets. Although six investigators may be sufficient to process incoming senior official complaints and for dedication of one investigator to complaint intake, no surge capacity will exist. Therefore, current estimates are that optimal resourcing with some surge capacity requires the sustainment of nine investigator billets.

In response to the Secretary of Defense's direction to reduce Headquarters staffing levels by 25%, NAVINSGEN faces potential significant manning reductions and is facing likely reorganization. Any manpower reduction will negatively impact the division's ability to process senior official cases in a timely manner.

Complaint Receipt and Investigative Processes

Dedicated Complaint Intake Person(s) and Early Liaison with Legal and DoD OIG

A dedicated, experienced intake person(s) will be trained to screen all complaints for an expeditious determination if an investigation is warranted. It is crucial that the intake person(s) identify priority cases at the earliest opportunity to assure expedited processing.

The complaint intake person(s) will liaison closely with NAVINSGEN legal, ODIG-AI Oversight Branch, and ODIG-AI ISO to ensure early concurrence regarding the appropriate processing of the complaint. While the division does not have dedicated legal support working for the division, investigators will work closely with legal to ensure the complaint merits investigation and that relevant current standards are used to address all allegations. In addition, the division will confer with DoD OIG when necessary to ascertain DoD OIG's opinion regarding the appropriate standards to use and the scope of the investigation to maximize concurrence and reduce the likelihood that DoD OIG will non-concur during oversight review.

Consistent Use and Inclusion of Milestone Dates in Investigative Plans

All investigators are now required to draft investigative plans. The investigators will begin working closely with the director or deputy director to set critical milestone dates (to be determined), which will be placed in the investigative plan, and ensure expeditious processing of the investigation. As the investigative plan is a living document, the milestone dates are subject to change in the event the director or deputy director change the priorities of the investigators or the investigators encounter complexities during the investigation (for example, emergent allegations, addition of a new subject, availability of witnesses or the subject to be interviewed, etc.). The investigators will also discuss the standards noted in the investigative plan with legal counsel to obtain legal concurrence from the onset of the investigation.

Roundtables prior to Interviews of Witness and Subject

Currently, investigators seek the advice of the director, other seasoned investigators, or legal counsel if they have questions pertaining to standards, interview techniques, or to discuss evidence and whether or not to substantiate allegations. Although this has proven helpful, the division does not routinely hold meetings where the investigator, leadership, and legal counsel are present and discuss issues relevant to the investigation. Looking forward, the division plans to implement the use of roundtable meetings after the investigative plans are completed but prior to interviewing witnesses, and again, prior to interviewing the subject. The roundtable meetings will consist of the investigator(s), the director and/or deputy director, and legal counsel (for both or at least the latter roundtable). At the roundtable, the

investigators will present any required work product and verbally discuss their case strategy to obtain concurrence from the divisional leadership and legal. This process change should ensure that all parties concur with the investigators' strategy, and avoid substantial delays during the final phase of the investigation and report writing processes.

Telephonic/Video Teleconference Interviews of Witnesses and Subject

With budget cuts, fiscal constraints, and direction to improve the timeliness of senior official reports, the division intends to conduct telephonic or video teleconference interviews for all witnesses and subjects located outside the DC metro area unless NAVINSGEN leadership determines travel to conduct personal interviews with witnesses and/or the subject more effectively satisfies the mission requirement. Interviews with subjects shall primarily be conducted by video teleconference. Each case in which the investigator believes travel is necessary shall be discussed with divisional leadership; the director will then make a decision. Subjects can request a personal interview at NAVINSGEN and requests will be liberally granted barring mission timeliness constraints.

Technology

NAVINSGEN requires a new software system and strongly desires that DoD OIG deploy D-CATS and the CaseSoft Suite (Case Map and Text Map) to NAVINSGEN as soon as possible to replace NIGHTS. D-CATS is superior to NIGHTS as a case management tool, and NAVINSGEN anticipates little modification, if any, will be needed. In the event that DoD OIG is not able to deploy D-CATS to the Services in a timely manner, NAVINSGEN will need funding to modify NIGHTS to enable the database to collect necessary data to provide timeliness statistics for the division.

Future Improvements

Standardization of Reports

Pursuant to Task Force discussion, NAVINSGEN supports the adoption of the DoD OIG ROI format. NAVINSGEN believes that standardization of reports and key language used therein will support efficiencies in initial and continuation investigator training, as well as promote expediency in processing cases.

Metrics Generation

The division is developing a robust case-tracking tool via Excel. This spreadsheet tracks complaints against senior officials opened in NIGHTS and includes dates of crucial milestones during the complaint intake and investigation process for analysis of timeliness and statistical purposes. The form will enable

the division to closely monitor current open complaints and more quickly and easily generate statistics when requested by senior leadership. Finally, it will also allow the division to track and identify where delays commonly occur throughout the intake and investigation process. NAVINSGEN, however, views this tool as a stopgap measure to overcome limitations of the NIGHTS database and should no longer be required if D-CATS is deployed to the division.

Recommendations

- Accelerate efforts to make D-CATS available to the Services.
- Encourage Services to retain investigative capacity as they work through mandated Headquarters reductions.
- Distribute DoD OIG standards library to the Services and define/publish standardized templates for reports of investigation.
- Conduct a similar review of timeliness and quality of Military Whistleblower Reprisal investigations.
- DoD OIG consider leading periodic training and assist visits to each Service on a recurring basis to critically assess processes and performance.

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Part 5

Department of the Air Force Inspector General

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Department of the Air Force Inspector General

Introduction

The Secretary of the Air Force and the Air Force Chief of Staff established the Directorate of Senior Official Inquiries (SAF/IGS) in July 1995 to address allegations of wrongdoing on the part of Air Force senior officials and to upgrade and standardize the manner in which such allegations and complaints were handled. To this end, a specific process was developed and fine-tuned over the past 19 years to facilitate effective, efficient, and thorough investigations. Additionally, SAF/IGS conducts inquiries into any Air Force matter as directed by the Secretary of the Air Force, the Air Force Chief of Staff, or The Inspector General (TIG).

The main steps in the investigative process are: SAF/IGS receives a complaint, SAF/IGS conducts an intake analysis of the complaint, a complaint analysis is accomplished, and TIG approves. If the investigating officer and legal advisor team find enough evidence to move to a formal investigation, the following steps are accomplished: ROI is accomplished, a legal review is conducted, and TIG approves the ROI. A more detailed explanation is found in the "As Is" State portion of this report.

Governing Instructions/Policies

Air Force Instruction (AFI) 90-301, "Inspector General Complaint Resolution," August 23, 2011, Change 1, dated June 6, 2012.

AFI 90-301 provides adequate guidance to conduct senior level inquiries. Chapter 4 is dedicated to this topic and provides guidance on timeliness for complaints submitted to SAF/IGS.

We did not find regulations or policies inhibiting timeliness of senior level investigations.

Organization Chart and Staffing

The directorate currently consists of 20 personnel – 12 investigating officers, 2 current operations personnel, the director, deputy director, and 4 legal advisors. Legal advisors are embedded within but not assigned to SAF/IGS. Most investigators have an average time in military service of 25-29 years and experience as a unit commander at the colonel level.

Figure 5.1 *USAF IGS Authorizations and Assigned Chart**
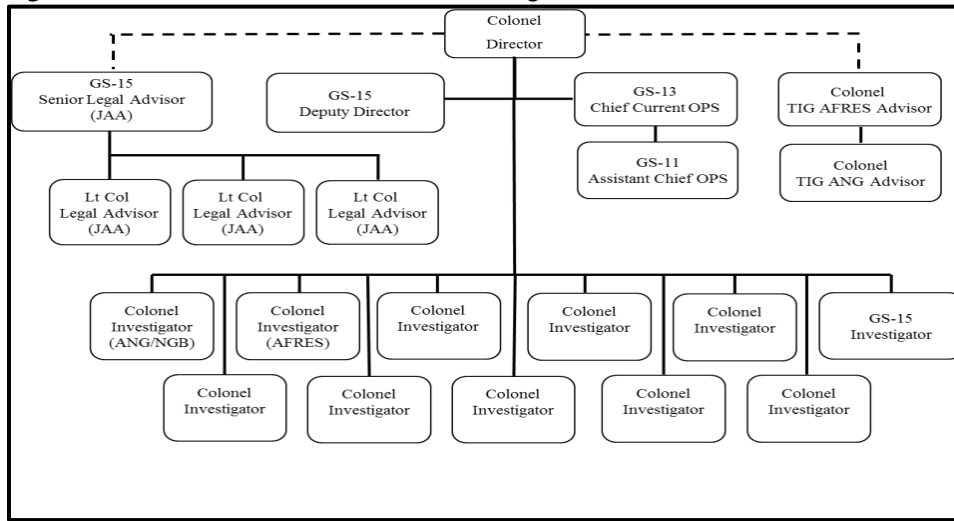
*current SAF/IGS staffing

From FY 2013 – FY 2014, SAF/IGS investigator staffing fluctuated from a high of 18 investigators to a low of 14. SAF/IGS is currently authorized 11 investigator full-time equivalent positions. In FY 2015, SAF/IGS will experience a reduction of three investigator authorizations as a result of the overall AF Headquarters reduction plan. The personnel currently filling these positions are expected to attrit out (due to reassignment or retirement). This projected reduction will leave SAF/IGS with eight investigator full-time equivalent authorizations. Finally, the GS-13 position in the Current Operations Section has been vacant since April 2014 and is currently being staffed for assignment.

While SAF/IGS has maintained a steady balance between authorizations and assigned personnel, there have been changes in the number of investigators assigned, ranging from 14 to 18 over FY 2013 through FY 2014. The projected steady state staffing for FY 2015 is 11 investigators, including Air National Guard (ANG) and Air Force Reserve (AFRES). Additionally, the SAF/IGS intake specialist, GS-13, has been vacant since April 2014, which has had a material impact on the complaint intake process.

Senior Official Demographics

Table 5.1 depicts the senior official population in FY 2014, divided into 4 categories.

Table 5.1 *USAF Senior Official Demographics*

	General/Flag officers Filled				
FY	*Active*	*Guard*	*Reserve*	SES	**Total**
2014	320*	200*	120*	180	820

*include O-6s on O-7 promotion lists and O-6s with certificates of eligibility.

Historical Workload and Timeliness Metrics

Several key performance indicators measure historical workload and timeliness. The historic workload key metrics are: 1) complaints received; 2) case intake rate, defined as the number of complaints accepted by SAF/IGS compared to the total number of complaints received; and 3) cases closed (a case is closed when TIG approves the complaint analysis or investigation). Average case duration as calculated from SAF/IGS acceptance of a complaint to TIG final approval was the lone timeliness metric. For this report, a case was started when SAF/IGS accepted a complaint and includes complaint analysis and ROIs.

Historical Workload

Complaints Received by Calendar Year (CY) 2012-2014[2]

Table 5.2 depicts the number of complaints received for CY 2012-2014. A clear upward trend is evident during this period. Of note, data for CY 2014 reflected complaints received only for the first three quarters of the year, yet still exceeded total complaints received in either of the previous 2 years by more than 40%.

Table 5.2 *USAF SAF/IGS Complaints Received by CY*

Calendar Year	Complaints Received
2014	113
2013	63
2012	71

Case Intake Rate

In CY 2014, SAF/IGS maintained a 64% case intake rate. Intake rate was calculated by dividing the number of complaints accepted or transferred by the number received. In CY 2014, SAF/IGS received 113 complaints, dismissed 27, and transferred 13.

SAF/IGS conducted a credibility check on each complaint received and deemed 64% sufficiently credible to move forward with the complaint analysis phase or transfer them to another agency for investigation (an equal employment opportunity complaint or a complaint involving a non-senior official).

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[2] SAF/IGS tracked key workload metrics by calendar year (CY) vs fiscal year (FY).

Cases Closed by CY

From CY 2012-2014, SAF/IGS closed more cases each successive year. SAF/IGS tracked total case closures, including cases dismissed after a TIG-approved complaint analysis and cases closed after a TIG-approved ROI. SAF/IGS is on pace to meet or exceed the closed investigations of the previous 2 years in CY 2014. Table 5.3 shows the closed investigations for CY 2012-2014.

Table 5.3 USAF SAF/IGS Closed Cases

Calendar Year	Closed Cases
2014	70*
2013	72
2012	71

as of September 30, 2014

Timeliness Metrics/Trends by FY

Average Case Duration

In CY 2012-2013, the average case duration rate decreased each year. The increase in total SAF/IGS investigators and other factors contributed to this decrease. In CY 2014 to date, the average case duration rate decreased slightly from CY 2013. Table 5.4 shows average case duration rates for CY 2012-2014.

Table 5.4 USAF SAF/IGS Average Case Duration (ACD)

Calendar Year	ACD (Days)
2014	183
2013	188
2012	201

Summary

SAF/IGS' historic workload and timeliness metrics demonstrated an overall increase in cases during the period CY 2012-2014. Additionally, the average case duration was on a downward trend from CY 2012-2014. The data provide the foundation for review of the "As Is" State.

"As Is" State of Operations

In analyzing current SAF/IGS investigation processes, we interviewed assigned personnel and reviewed databases for data from FY 2014. In evaluating case data, SAF/IGS considered cases opened, closed, and investigated (worked but not closed) in FY 2014. Oversight or special investigation cases (inquiries) were

not included in the analysis. While these cases represent workload, the respective processes differ from a complaint analysis and ROI substantially enough that it was not practical to include them; therefore, they were not reviewed or analyzed.

Complaint Receipt and Investigative Processes

Investigative Process

The investigative process is divided into two primary phases: the case intake/complaint analysis phase and the investigation phase. The case intake function formally brings cases into the SAF/IGS system. Once a complaint is accepted, the complaint analysis phase ensures that the allegations are credible and the investigation team understands them.

The investigation phase thoroughly examines the allegations and either substantiates or does not substantiate them – there is no partial substantiation. The preponderance of evidence standard is used in evaluating all allegations. SAF/IGS employs many crosschecks and layers of review during the investigative process to ensure accurate results and professional final products. Figure 5.2 depicts the two major parts of the investigative process.

Figure 5.2 *USAF Investigative Process*
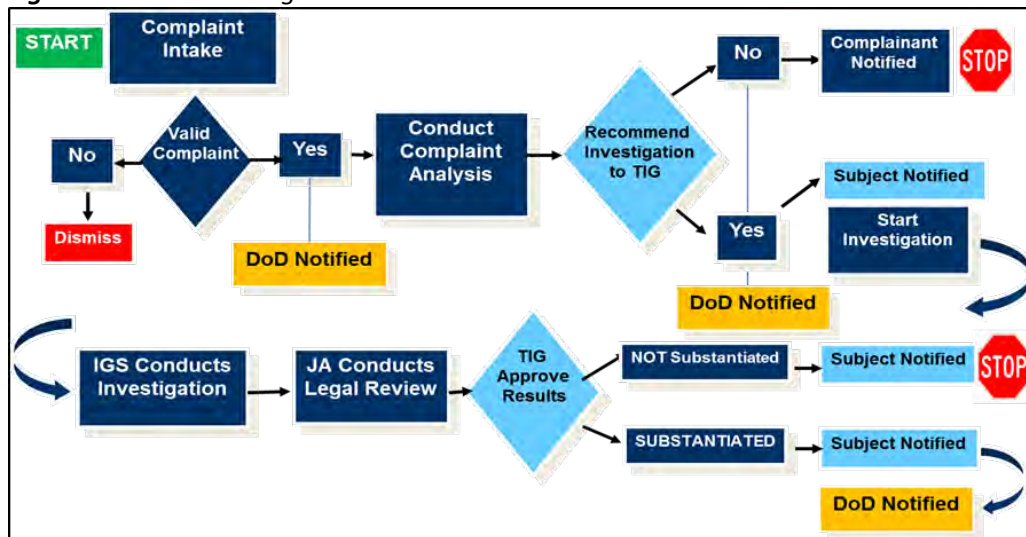
Case Intake

SAF/IGS receives allegations of wrongdoing against Air Force senior officials through a variety of means. Some are sent directly to the office, while others are forwarded from DoD OIG, SAF Legislative Liaison, our sister Complaints Resolution Directorate, or other Major Command or wing-level IG offices. About

25% of the complaints are made anonymously. Whether SAF/IGS knows the identity of the complainant makes no difference to the level of attention a complaint receives or the outcome.

The Current Operations Section receives new complaints. A two-person team reviews each complaint, creates a case folder, and enters the information into a tracking database. This database was specifically created and tailored in Microsoft Access to catalog every senior official case. The database contains a large amount of details on each action. The database dates to 1995 and presently has over 1,500 entries, including Air Force senior official cases conducted by DoD OIG and Equal Employment Opportunity offices. The SAF/IGS deputy director and director review the case before the complaint analysis begins.

Once the director accepts the case, TIG, DoD OIG, and the appropriate Air Force personnel office (AF/DPG or DPS) are notified that SAF/IGS has a new complaint. In some of our cases, we determine that the matter is not appropriate for SAF/IGS to accept based on the absence of a credible allegation of misconduct, untimeliness, or no senior official involvement. In some instances, the issue is better addressed by another agency such as the Air Force Office of Special Investigations or the Office of Special Counsel.

Complaint Analysis

The complaint analysis, the first step of SAF/IGS' two-step process, is a preliminary inquiry in which the credibility and scope of the complaint is examined before recommending a full investigation. When the identity of the complainant is known, the investigative team conducts a complaint clarification interview to ensure the complainant's view of the situation is fully understood and to give the complainant the opportunity to elaborate on written material they may have submitted. The clarification interview enables the investigator to scope the case to specific issues. In the cases where the identity of the complainant is not known, the assigned investigator gathers documents or other evidence to help better understand the case. The investigator also gathers documents as necessary after a complaint clarification interview. At this point, SAF/IGS has not notified the subject(s) that the complaint analysis is underway.

Air Force Judge Advocate Office legal advisors are involved throughout the process advising the investigator on the specific standards that apply and what type of evidence needs to be collected and participating in all witness interviews to ensure due process procedures are in place.

Post Complaint Analysis – No Investigation

In the event the evidence does not support a full investigation, SAF/IGS notifies the complainant, DoD OIG, and DPG/DPS that the case is considered dismissed. DoD OIG performs an oversight review of the SAF/IGS complaint analysis document.

Post Complaint Analysis – Investigation

If the evidence supports a full investigation, the assigned investigative team drafts allegations and recommendations in a complaint analysis report submitted for TIG approval. Once TIG approves the recommendation to proceed to investigation, TIG verbally notifies the subject, their immediate commander, and their Major Command commander of the investigation. SAF/IGS sends letters to the complainant and subject outlining the allegations to be investigated. Additionally, TIG formally notifies the Secretary of the Air Force and the Air Force Chief of Staff concerning the allegations and provides copies of the notification letter to DoD OIG, Under Secretary of the Air Force, Air Force Vice Commander, Secretary of the Air Force General Counsel, Air Force Administrative Law, and General Officer Management (AF/DPG) or Senior Civilian Management (AF/DPS), as required. If the case involves an ANG or AFRES subject, SAF/IGS notifies the ANG or AFRES leadership.

Report of Investigation

A SAF/IGS investigation is more formal than the complaint analysis and is conducted to either substantiate or not substantiate each allegation. Focusing on the allegations, the investigative team gathers pertinent documents and conducts interviews to reach their conclusions.

The investigative team interviews witnesses and subject matter experts, and normally interviews the subject of the investigation last. At the beginning of all interviews, the investigative team uses an interview outline/template to discuss the allegations. Most interviews are conducted over the telephone, although the investigative team may elect to travel depending on the circumstances. Normally, each interview is transcribed verbatim, and the investigator validates the transcript for accuracy.

After completion of all interviews and evidence gathering, the investigator writes the ROI using a standardized format. The ROI is reviewed by a peer investigator and forwarded to the legal advisor for review. The legal advisor verifies the references and cited evidence, and reviews the overall document for legal sufficiency of the analysis and conclusions.

The ROI is next reviewed by the Current Operations Section, the SAF/IGS deputy, and the director. Once the director approves the ROI, the report undergoes a formal due process legal review by a separate Air

Force legal advisor not previously involved in the case. The final written legal review is approved by the Air Force Administrative Law Director. The completed ROI and legal review are provided to the TIG, who has final approval authority for all SAF/IGS investigations.

Summary

SAF/IGS has been in existence 19 years and has successfully handled more than 1,500 cases of alleged wrongdoing on the part of Air Force senior officials, as well as numerous other issues as directed by the Secretary of the Air Force, the Air Force Chief of Staff, and TIG. The directorate firmly believes that the key to any success in this investigative work is found in a proven, standardized process.

Data Analysis

We analyzed timing data on 58 cases from FY 2014. Our methodology included reviewing the timing metrics of the main steps of the investigative process and seeking those areas that consume the most time. In this way, we could focus improvement efforts on areas that would potentially net the most beneficial opportunities to improve timeliness. The data is found in Appendixes A and B.

Table 5.5 depicts current case cycle times from complaint submission to TIG approval for the complaint analysis. Of the 58 complaint analyses, SAF/IGS recommended 29 for dismissal and 29 for investigation.

Table 5.5 *USAF Case Metrics for Complaint Analysis Main Steps*

Event	Average Days
1. Complaint to IGS	39
2. Intake	8
3. Intake-Complaint Analysis Start	16
4. Complaint Analysis Time	94
5. TIG Approval	3
ACD*	113
ACD from Complaint Date	160

*ACD – average case duration

The 94 days of complaint analysis time represented 84% of the total case time in each case. Within this portion of the process, we found that steps such as investigative plan development, initial case reviews, witness interviews, peer review, and legal advisor review consumed most of the time. SAF/IGS investigators and case data indicated that report writing takes the most time during the complaint analysis phase.

We considered case complexity in assessing the timeliness of the complaint analysis process. We measured case complexity by looking at the number of issues, number of complainants, subjects, and

number of interviews. Additionally, we used the following definition of complexity: If a case has more than one issue, it was deemed as complex.

A review of the cases found 40 of the 58 cases, 69%, fell in the complex category. Of note, of the 40 complex cases, 83% involved an ANG or AFRES official. These complex cases had a complaint analysis time of 110 days versus 94 for all cases. This represented a 15% increase in complaint analysis time on complex inquiries. The formulation of case complexity on these 58 cases provided a complexity baseline for the rest of the analysis. Table 5.6 shows complexity metrics for the 58 cases we analyzed.

Table 5.6 *USAF Complaint Analysis Complexity Metrics*

Case Complexity Metrics	Average Number
Issues per Case	3.28
Complainants per Case	1.31
Subjects per Case	1.92
Interviews per Case	3.81

Report of Investigation

The second area analyzed for timeliness trends was ROIs. We evaluated 21 completed investigations in which TIG approved an ROI. We found that 70% of those investigations involved ANG or AFRES. Table 5.7 depicts the timeliness data associated with the investigative process.

Table 5.7 *USAF Case Metrics for ROI Main Steps*

Event	Average Days
1. Complaint to IGS	36
2. Intake	6
3. Intake-Complaint Analysis Start	31
4. Complaint Analysis Time	123
5. TIG Time	7
6. ROI	166
7. Legal Review	13
8. TIG Approval	6
ACD*	357
Case from Complaint Date	399

*ACD – average case duration

The ROI step consumed 46% of the entire average case duration time. Additionally, our analysis showed that the ROI step represented 90% of the time after the completion of the case analysis.

As with the case analysis phase, case complexity was relevant to ROI timeliness. Complexity was measured by assessing the number of allegations, subjects or suspects, complainants, and interviews.[3] Table 5.8 shows ROI complexity data for CY 2014.

Table 5.8 *USAF ROI Complexity Metrics*

Case Complexity Metrics	Average Number
Allegations per Case	4.57
Subjects per Case	1.38
Suspects per Case	.14
Interviews per Case	9

Compared to the complexity data from the complaint analysis cases, the average ROI case had more allegations than the total number of issues for the average complaint analysis case; further, the number of interviews per case increased by more than 230% over the complaint analysis phase. The complexity metrics show several of the factors that result in complex cases taking longer to complete than routine cases.

Long Duration Cases

We identified six long duration cases (more than 400 days average case duration) that materially affected the timeliness of investigations. In the absence of these six cases, the average case duration declined to 237 days, an average reduction in average case duration of more than 100 days. It is important not to discount the significance of these cases – they represent 25% of case workload reviewed for this report. All of the long duration cases involved ANG senior officials. Table 5.9 depicts the timeliness metrics for the respective case phases in long duration cases.

Table 5.9 *USAF Long Duration Case Metrics*

Event	Average Days
1. Complaint to IGS	39
2. Intake	0
3. Intake-Complaint Analysis Start	54
4. Complaint Analysis Time	193
5. TIG Approval	9
6. ROI	364
7. Legal Review	20
8. TIG	16
ACD*	665
Case from Complaint Date	704

ACD – average case duration

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[3] All cases contained measureable complexity elements but it was difficult to measure impact on average case duration as complexity was not a standard metric.

A review of the data showed that every event category, except intake,[4] took longer than the corresponding activity in average ROI cases. Table 5.10 shows the case complexity of the cases involving ANG senior officials, which had a direct effect on case timeliness.

Table 5.10 USAF Long Duration Case Complexity Metrics

Case Complexity Metrics	Average Number
Allegations per case	7.8
Subjects per case	1.8
Suspects per case	.33
Interviews per case	13

The long duration cases had 3.23 more allegations and 4 more witness interviews per case than the average ROI case.

Recent ROI Trend

During the analysis, an emerging trend was clearly present. Of the 29 ROIs we evaluated, 14 (48%) were opened in FY 2014. Of these, 5 (36%) were closed in FY 2014. Table 5.11 depicts the data from these cases.

Table 5.11 USAF FY 2014 Opened and Closed Case Metrics

Event	Average Days
1. Complaint to IGS	33
2. Intake	9
3. Intake-Complaint Analysis Start	23
4. Complaint Analysis Time	98
5. TIG Approval	6
6. ROI	84
7. Legal Review	10
8. TIG Approval	2
ACD*	223
Case from Complaint Date	265

*ACD – average case duration

Across all main process steps, we reduced the average days for each phase compared to the data for all 29 cases. SAF/IGS realized a 33% reduction in the complaint analysis step and a 49% reduction in the ROI step. Overall, these cases had an average case duration that was 34% less than the average for all reviewed cases. However, a review of the complexity metrics, shown in Table 5.12 tells a different story.

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[4] In April 2014, SAF/IGS changed the intake process following an unexpected vacancy in the Current Operations Section.

Table 5.12 FY 2014 Opened and Closed Case Complexity Metrics

Case Complexity Metrics	Average Number
Allegations per case	2.93
Substantiated Allegations per case	1.43
Subjects per case	1.21
Suspects per case	.07
Interviews per case	6.5

These case complexity metrics indicate that the FY 2014 investigations were not significantly less complex. We found slightly fewer allegations and witness interviews per case. Additionally, 64% of the FY 2014 cases were either ANG/AFRES, slightly lower than the 70% for all the cases. Beyond the metrics, we found that SAF/IGS had as many as 15 investigators working cases during this period – more than in previous years. We determined that the increased staffing contributed to improvements in timeliness.

Summary

In analyzing the data, we found three areas that consume the majority of the time: the time for a submitted complaint to be received by SAF/IGS, the time it takes the investigator/legal advisor to complete a complaint analysis, and the time it takes the investigator/legal advisor to complete an ROI. SAF/IGS will recommend an internal review of the complaint to SAF/IGS time as the average number of days was greater than expected.

Additionally, complexity matters with regard to timing. The higher the case complexity the longer it took to complete. Additionally, the fact that seven complex cases were ongoing during this period and ongoing for a long period negatively affected the average case duration disproportionately.

Finally, analysis pointed to a micro trend in the FY 2014 data that cases were being completed faster while complexity was measured as slightly lower than the average case reviewed. The determinative factor for this result was a temporary increase in investigator staffing.

Process Review

SAF/IGS found that the main process steps (complaint intake, complaint analysis, TIG complaint analysis approval, ROI, legal review, and TIG ROI approval) were adequately managed. SAF/IGS established defined roles and responsibilities for investigators, legal advisors, and Current Operations. SAF/IGS also uses management information systems (Access and Excel) that aid in the capturing of key data. These systems were used to calculate key performance indicators in this report.

Our analysis indicates SAF/IGS has a solid leadership team anchored by the deputy director and an experienced operations support staff, all of which provide the seasoned director the foundation needed

to make accurate and timely decisions. The four legal advisors assigned to the Air Force Judge Advocate Office are embedded within SAF/IGS and are fully vested partners.

Finally, our analysis identified minor process steps in four of the major phases of the investigative process, listed in Table 5.13, which were key, but not critical, elements in the process.

Table 5.13 *USAF Investigation Sub-Processes*

Intake	Complaint Analysis
Routing of Complaint	Investigative Plan
Credibility Assessment	Initial Case Review
Prioritization Assessment	Witness Interviews
Investigator Assignment	Peer Review
Legal Advisor Assignment	Legal Assist
ROI	Legal Review
Interviews	Review Process from Legal Advisor to Air Force Judge Advocate
Subject Interviews	

These non-critical elements represent relevant milestones in the respective main process phases. While SAF/IGS did not a have formal process for measuring the impact of each non-critical step on timeliness, our analysis of database inputs, checklists, and case files revealed that most investigators accomplished most of these steps in the majority of cases.

Technology

SAF/IGS uses Microsoft databases (Access and Excel) to track the various process milestones and results. These databases are functional but not optimal. The Access database, while useful, is designed for a broader purpose than tracking timeliness at each major and minor process step. The Excel product may be considered antiquated by today's database standards; however, given the limited data set per year (less than 100 cases), it meets SAF/IGS' needs in generating required data, albeit not in the most efficient manner. The SAG/IGS databases contain detailed timing information on the main steps of the process. Beyond these two databases, the actual case files are archived on a secure network server to account for any data requirements not supported by the Access/Excel databases. However, collecting data from archived documentation records is a manual and inefficient process.

SAF/IGS maintains all case files and folders on a network shared drive. Investigators use Sony Sound Forge Audio Studio software to record interviews, Microsoft Office Suite, Adobe Acrobat XI Pro, and Juniper Networks, Network Connect 7.4.0 software for telework and TDYs.

Role of Legal Counsel

As we described above, legal advisors play a critical role in the investigative process. They serve a substantive function that enhances the investigative teams' evaluation and analysis of complaints and the evidence against existing standards. They also contribute significantly to the completion of thorough, objective ROIs prior to submission of the ROIs for final legal review and TIG approval.

Improvements Made to Date

SAF/IGS initiated several improvements within the past 18 months that have shown to be beneficial to case timeliness. These include:

- A consistent level of investigative and legal assistance staffing of at least 11 investigators and 4 legal advisors proved to have a positive impact on timeliness in CY 2013 and CY 2014.
- Changes to case management process included reinstituting the initial case review for all cases, adding a mid-course update, and initiating a post-complaint clarification meeting with the director.
- Development of a more robust initial case scope at the complaint intake phase and during the initial case review to meet a goal of keeping the investigation on track.
- Institution of a more rigid time limit at intake, that is, a 1-year limit on all cases from when the misconduct was observed to its reporting to SAF/IGS (with limited exceptions for extreme circumstances).
- Adoption of target times or milestones for both non-complex ROIs and complaint analysis for dismissal.

Factors Affecting Timeliness

This analysis identified several factors that affected timeliness of closing senior official cases.

- The case process was sound and adequate technology was used to measure the timing of the main steps, but the minor steps, while being accomplished, were not formally measured.
- The volume of cases, or workload, has increased since CY 2012.
- Case complexity had a bearing on the average case duration. Generally, the analysis pointed out that the greater the case complexity, the greater the average case duration.

- Stability in assigned investigators and an increase in staffing appeared to have a positive impact on the average case duration.
- Cases involving ANG/AFRES senior officials represented 70% of the case workload.

"To Be" State of Operations

To derive recommendations for improvement, the development of a "to be" state was necessary. This analysis concluded that SAF/IGS' main process steps facilitate relevant, thorough investigations that utilize useful technological applications. No major changes are required for the complaint intake, TIG complaint analysis, TIG ROI, and legal advisor areas. However, based on the timeliness metrics, we reviewed the time investigative teams spend in the complaint analysis phase and the time they spend in the ROI phase to find ways to decrease the time it takes to complete an average report.

An eight-member working group (six from SAF/IGS and two from Air Force Judge Advocate Office) brainstormed 20 time-consuming investigative activities and found within them 12 time-wasting events. The group then identified factors leading to wasted time during these events and developed more than 15 recommended countermeasures to reduce average case duration. Table 5.14 highlights the three top constraints and recommended countermeasures to improve timeliness.

Table 5.14 *USAF Top 3 Constraints and Countermeasures*

Constraint	Countermeasure
Investigator over-analysis of report	Greater use of investigative plan that includes: milestones and meetings with peer/legal advisor and then director
Witness Availability	Training on scheduling techniques/best practices
Determining Standards	More investigator/legal advisor coordination; robust intake process

Over-Analysis of Complaint

The most frequently identified time waster was that investigators tend to over analyze each individual complaint. When this occurred, investigators tended to chase every lead, known as "rabbit holes," as opposed to focusing on the key issues identified by complainant in the original complaint or in the complaint clarification interview. We found that this resulted in longer and more interviews, extended transcript validation, longer writing time, and increased time for legal review. The average case duration and complexity metrics from the long durations ROIs corroborated anecdotal information provided by investigators.

In the brainstorming session, the working group identified six primary factors affecting timeliness:

- Training deficiencies on best methods/practices for investigators to keep on task/focus;
- Unclear complaint/complainant;
- Concern for DoD oversight;
- Interview script/questions were open-ended vs direct questions;
- Stray from investigator charter (fishing for additional complaints to work); and
- Proof of existence/job security for investigator.

The working group developed countermeasures to address these factors. The team discussed several ideas but honed in on greater use of the already existing investigative plan, noting the recommendation for a more robust plan. In addition to the format currently used by SAF/IGS, a revised investigative plan would include a milestone chart developed by investigative teams:

- More legal advisor/investigator interaction throughout case as outlined in a robust investigative plan;
- Re-invigorate recurring training (such as first Fridays, share best practices);
- Increase peer case consultation as outlined in the investigative plan;
- Establish personal milestone goals for each case and highlight in the investigative plan;
- Focus on the investigative plan as a living document—can change as facts change or case increases in complexity; and
- Continue to encourage cubicle conversations (crosstalk) between investigators and legal advisors.

Case complexity remained a concern for the working group. An overriding idea was to ensure the members of the investigative team understood the known complexity of a case as early as possible. This would enable them to consider complexity when developing their investigative plan and the milestone timeline. Appendix C contains a notional representation of a non-complex and complex milestone chart to be included in the investigative plan.

Witness Availability

The second biggest time waster was scheduling witness interviews. Investigative plans and the milestones again entered into the discussion as valued countermeasures. The working group felt a timeline would keep investigators on track and prove to be a forcing function concerning the scheduling

of interviews. Additionally, training and/or sharing of best practices on how to schedule and/or set up witness interviews would be a positive addition to the SAF/IGS battle rhythm.

We identified factors causing delays in the interview process, including investigators being too lenient in allowing complainants, witnesses, and subjects to drive the timeline. Additionally, witness and subject status (such as non-DoD, ANG, or AFRES, etc.) proved to be of sufficient concern to be identified as a factor slowing down the completion of interviews. The countermeasures developed for this time waster are simple:

- Establish a suspense/milestone to complete interviews (in investigative plan), and
- Be more aggressive as investigator when scheduling interviews (best practices).

Determining Standards

The third biggest time waster involved determining which standard applies to an allegation in a complaint. Particularly with ANG/AFRES cases, determining which state or federal standard is applicable can be challenging. Additionally, the subject/suspect's status must be determined before the proper standard can be applied. The factors affecting this time waster include:

- Lack of knowledge of federal or state standards;
- Status of subject (Title 10, 32, or State civilian status);
- Changing facts (investigator uncovers facts as the case progresses) may change standards; and
- Lack of familiarity with preceding cases.

The working group again developed the following list of countermeasures that, if implemented, can prove to improve timeliness in determining which standard applies.

- Make available an automated case summary by topic (standards guide);
- Increase investigator intra-Service communication;
- Develop investigative plan with legal advisor or peer input/milestone development; and
- Re-look at training program to include awareness briefings by National Guard Bureau subject matter experts.

Summary

While the team developed more than three time wasters, as well as more than 15 countermeasures, we concluded SAF/IGS would get more "bang for the buck" by focusing on eliminating the top three time wasters through focused efforts in three areas:

- Revamp investigative plan that focuses communication efforts up front and throughout the case as well as contains a milestone chart that is followed;
- Revamp training to include focused events on time saving best practices; and
- Maintain investigator and legal advisor manpower model that are consistent with case workload requirements.

This reflects the understanding that ANG/AFRES cases are the majority of the workload and the fact that SAF/IGS conduct additional cases (case oversights, special inquiries) and name checks.

Optimal Resource Level

The optimal SAF/IGS resource level will maintain manning consistent with case workload requirements. It is essential to note that ANG and AFRES cases represent the majority of the SAF/IGS workload. Given that SAF/IGS responsibilities include case oversights and special inquiries as assigned, as well as name/records checks, the optimal resource (staffing) level includes 11 investigators, four legal advisors, and four administrative/leadership full-time equivalents, respectively.

Recommendations

With the "to be" analysis in mind, SAF/IGS recommends the following recommendations from this analysis. These are broken into short-, medium-, and long-term.

Table 5.15 *Short-Term Recommendations (6-12 Months)*

Recommendation	Responsible Agency
Establish case duration and completion goals for complex and non-complex senior official cases for CY 2015	SAF/IGS
Begin using a complexity metric as a key metric	SAF/IGS
Develop tools to monitor key timeliness metrics for leadership and investigators	SAF/IGS
Align SAF/IGS improvement initiatives with the TIGs strategic plan	SAF/IGS
Fill empty position in Current Operations Section	SAFIGS
Review/study investigator/legal advisor manpower model to ensure it meets case demand	SAF/IGS
Revamp investigative plan to include milestones, roundtables, suspense dates	SAF/IGS
Re-look at training program to include best practices seminars	SAF/IGS
Review/update policy/techniques for scheduling witness interviews	SAF/IGS
Implement standardize formats for reports based upon DoD guidance	DoD and Services
Identify standards for reports to Director (highlighted, contain extra tabs)	SAF/IGS
Review AFI 90-301 to see if updates/interim changes are warranted	SAF/IGS
Capture and codify changes in process in checklist/SOP/guide of OI	SAF/IGS
Look at process for complaints being sent to SAF/IGS to find recommendations to improve time efficiency	SAF/IGQ and SAF/IGS
Form a DoD OIG Forum to focus on timeliness of cases	DoD OIG and Services
Review software/hardware and share best practices between Services	DoD OIG and Services
An accelerated migration of D-CATS to Service and Combatant Command IGs will achieve the type of efficiencies and timeliness required by DoD OIG.	

Table 5.16 Medium-Term Recommendations (1 Year to 2 Years)

Recommendation	
Develop method to digitize reports to TIG/DoD	SAF/IGS
Update SAF/IGS Access database to include calculations for minor steps	SAF/IGS
Review robust intake process; review best practices from DoD, other Services/common standard across DoD	DoD and SAF/IGS
Focused education effort to reduce ANG complaints on ANG senior leaders with data from the DoD Task Force Report on Timeliness	SAF/IG
Implement standardize formats for reports based upon DoD guidance	DoD and Services
Implement investigator/legal advisor training that is standard across DoD senior inquiry organizations	DoD and Services
Train dedicated intake personnel to evaluate complaints	DoD and Services
Senior Official Investigator mentoring program	DoD and Services
Quarterly focused training workshops	DoD and Services
Senior Official Certification Program	DoD and Services
Issue standards on ROI formats for senior official cases	DoD
Create governance for DoD and Services to review timeliness	DoD and Services

Table 5.17 Long-Term Recommendation (2+ years)

Recommendation	Responsible Agency
Implement an enterprise wide case management system	DoD

Appendix

Appendix 5.A— SAF/IGS CA Analysis Excel Workbook

Appendix 5.B— SAF/IGS ROI Analysis Excel Workbook

Appendix 5.C— SAF/IGS List of Countermeasures from Working Group

Appendix 5.A - SAF/IGS Complaint Analysis

September 26, 2014

CA Roll Up	
Number of Cases	58
Avg Complaint to IGS Receipt	39
Avg Intake	8
Intake-CA Start	16
Avg CA	94
Avg TIG	3
Avg CA Days (Accepted-TIG Signs)	113
Avg CA (Complaint-TIG Sign)	113
Number that went ROI	26
Complex Case	40
Noncomplex Case	18
Complexity	
Avg # of Issues	3.28
Avg # of Subject	1.92
Avg # of Complainants	1.31
Avg # of Interviews	3.81

Appendix 5.B - SAF/IGS ROI Timeliness Analysis Summary
September 26, 2014

Number of Cases	29
Number of Cases Complete	21
Complex	21
NonComplex	8
Avg Complaint to IGS	36
Avg Intake	6
Avg Intake-CA Start	31
AVG CA	123
Avg TIG	7
Avg ROI	166
Avg LR	13
Avg TIG	6
Avg Case Duration	357
Avg Number of Allegations	4.57
Avg Subjects per case	1.38
Avg Number of Suspects per case	0.14
Avg Number of Interviews per case	9.00

Long Duration Cases	
Number of Cases	6.00
Avg Case Duration	665.17
Avg Complaint to IGS	38.67
Avg Intake	0.00
Avg Intake-CA Start	54.33
AVG CA	193.17
Avg TIG	9.33
Avg ROI	364.83
Avg LR	19.67
Avg TIG	16.33
Avg Case Duration	665.17
Allegations	7.83
Substantiated Allegations	1.83
Number of Interviews	13.00
Number of Subjects	2.00
Number of Suspects	0.33

Recent Trend	
Number of Cases	14
Avg Complaint to IGS	33
Avg Intake	9
Avg Intake-CA Start	23
AVG CA	98
Avg TIG	6
Avg ROI	84
Avg LR	10
Avg TIG	2
AVG DoD Oversight	0
ACD	237
Avg Number of Allegations	2.93
Avg Number of Substantiated Allegations	1.43
Avg Number of Subjects	1.21
Avg Number of Suspects	0.07
Avg Number of Interviews	6.50
Component	
ANG	8.00
AFRES	1.00
AD	4.00
SES	1.00

Appendix 5.C - SAF/IGS List of Countermeasures

Over-Analysis of Report

The number one time waster identified by the team was that investigators can over analyze a complaint. When this occurs, the investigators tends to chase every lead, known as "rabbit holes," as opposed to staying focused on issues identified by complainant on original complaint or during the complaint clarification interview. Anecdotally, this results in longer interviews, more interviews, extended transcript validation, longer writing time, and increase time in legal assist. The average case duration and complexity metrics from the long durations ROIs somewhat corroborate these anecdotes.

In a brainstorming session, the team identified 6 primary causes (in no particular order):

1) Training deficiencies on best methods/practices for investigators to keep on task/focus
2) Unclear complaint/complainant
3) Concern for DoD oversight
4) Interview script and open-ended questions
5) Stray from investigator charter (fishing for additional complaints to work)
6) Proof of existence/job security for investigators

The team developed countermeasures, or fixes, to address the causes. The team discussed several ideas but honed in on greater use of the already existing investigative plan. However, the recommendation is for a more robust investigative plan. In addition to the format currently used by SAF/IGS, the new investigative plan would include an investigator/legal advisor developed milestone chart. An example is found at Figure 19.

1) More investigator/legal advisor interaction throughout case
2) Recurring training (such as First Fridays, share best practices)
3) Peer case consultation
4) Establish personal milestone goals for each case
5) Focus on investigative plan as living document
6) Cubicle conversations

As with the "As Is" state analysis, case complexity was a concern. An overriding idea was to ensure the investigator /legal advisor understood the known complexity of the case as early as possible. This would enable them to consider complexity when they are developing their investigative plan and the milestone timeline they develop. Figures 18 and 19 depict notional representations of non-complex and complex milestone charts to be included in the investigative plan.

Notional SAF/IG Investigative Plan Milestone Chart for Case Analysis (Non-Complex Case)

Milestone	Suspense
Investigator/Legal Advisor Initial Meeting	+7
Initial case review w/Director/LA Director/Peer/Investigator/Legal Advisor	+10
Complainant Clarification Interview (unless anonymous)	+14
Complete Witness Interviews	+21
Meet with Peer (Vector Check)	+28
Finish Drafting Complaint Analysis	+49
Peer Review Start	+56
Peer Review Stop	+58
Legal Assist Start	+63
Legal Assist Complete	+70
Current Ops	+73
Director Approves	+80

Notional SAF/IG IP Milestone Chart for Case analysis (Complex Case)

Milestone	Suspense
Investigator/Legal Advisor Initial Meeting	+7
ICR w/Director/Legal Advisor Director/Peer/Investigator/Legal Advisor	+10
Complainant Clarification Interview (unless anonymous)	+14
Complete Witness Interviews	+35
Meet with Peer (Vector Check)	+49
Finish Drafting Complaint Analysis	+70
Peer Review Start	+77
Peer Review Stop	+80
Legal Assist Start	+82
Legal Assist Stop	+91
Current Ops	+93
Director Approves	+100

Witness Availability

The second biggest time waster identified by the team was waiting for witness schedules to be free to set up an interview. Again, the investigative plan and the milestones entered into the discussion. The team felt this timeline would keep investigators on track and prove to be a forcing function with regard to scheduling interviews. Additionally, training and/or sharing of best practices on how to schedule and/or set up witness interviews would be a welcomed addition to the SAF/IGS battle rhythm.

The causes centered on the investigators being too lenient in allowing complainant/witness/subject availability to drive timeline. Additionally, witness/subject status (non-DoD, ANG or AFRES, etc.) proved to be a concern enough to be identified as a cause for slowing down completion of interviews as the preferred status is to be on Title 10 or Title 32 and for these two statuses, orders must be cut.

The countermeasures developed for this time waster are simple:

1) Establish a suspense/milestone to complete interviews
2) Be more aggressive as investigators when scheduling interviews (best practices)

Determining Standards

Moving to the third biggest time water, determining which standard applies was a concern for the team. Particularly with ANG/AFRES cases, determining which state or federal standard is applicable can be challenging. Additionally, the subject/suspects status is applicable and must be determined before the proper standard can be applied. The causes:

1) Lack of knowledge of federal or state standards
2) Status of subject (Title 10, 32 or State Status)
3) Changing facts, investigator uncovers facts as the case progresses, may change standards
4) Lack of familiarity with preceding cases

The team again developed a list of countermeasures that, if implemented, can prove to smooth out some of the turbulence created when trying to determine which standard applies.

1) Case summary by topic (standards guide)
2) Intra-service communication
3) Develop IP with legal advisor or peer input/milestone development

The team only had enough time to discuss, review, and analyze the top three constraints. The remaining 9 time wasters can be found at Appendix C.

Investigator/Legal Advisor Availability

While a passionate subject, it was the fourth biggest time waster identified by the team. They determined the causes were no clear view on the priorities of all cases (should all cases be ranked ordered 1-50 or should each case be color coded as a means to identify priorities). Additionally, not all actions in any given case are tracked let alone given visibility by all.

Causes
1) Caseload
2) Case priorities
3) Non-work related appointments (leave, PAC, medical appointments)
4) Unanticipated lawyer workload (e.g., three legal advisors all at once seemingly out of nowhere)
5) Unannounced/changes in case priorities

A countermeasure for this is the respective milestone chart for each case. For instance, a legal advisor can review all their case milestones and predict when they their time would be stress for interviews, legal assists, etc. Figure 21 is a graphic depiction of a notional review page.

Counter measures
1) Analyze calendar when developing investigative plan/milestones
2) Stabilize workload
3) Rent-a-JAG for fill in availability
4) Develop three-tier priority structure
5) Director input
6) Do we need legal advisor present for all interviews

Validating Transcripts

Causes
1) Turn time on transcript requests
2) Length of interviews
3) Quality of transcript product

Countermeasures
1) Interview techniques (best practices)
2) Validation techniques (best practices)
3) Pre-interview preparation of questions and of the witness/subject

Time Wasters ranked 6 through 12

6) Lack of complainant cooperation
7) Standards of proof (prima facie vs. preponderance)
8) Rework/revisit of case report
9) Excessive complainant input
10) Opening/closing documents variations
11) Verifying subject status
12) Arts and crafts (building a hard copy binder)

Other Areas Discussed

Database Management

Review of database management practices to streamline database that is more user friendly to investigator, easy to use, and maintain, protected—need to know areas. Add measurement points for the key sub-processes (investigative plan, initial case review, legal review, roundtable, etc.).

Intake Process

The current intake process can include a prioritization calculation as well as a determination of complexity. While these two aspects were evident in the intake process in the past, the data from this report helped to focus the visibility on the timeliness in this area.

Office Manning

Maintain current manpower authorization level and fill to 100% and increase Reserve component manpower in IGS.

While the team developed many more than five time wasters as well as more than 15 countermeasures, the overall sentiment was SAF/IGS will get more bang for the buck by focusing in on eliminating the top five time wasters by implementing three recommendations for improvement:

1) Revamp investigative plan that focuses communication efforts up front and throughout the case as well as contains a milestone chart that is followed
2) Revamp Training to include focused events on time saving Best Practices
3) Realize the ANG/AFRES cases are the majority of the workload, lower priority, complex and generally take longer than AD cases

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Part 6
Inspector General
of the Marine Corps

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Inspector General of the Marine Corps

Introduction

Governing Instructions/Policies

DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," June 06, 2013

SECNAVINST 5800.12B, "Investigation of Allegations Against Senior Officials of the Department of the Navy," October 2005

Marine Corps Order 5430.1, "Marine Corps Inspector General Program," October 2006 (revision currently in progress)

Marine Corps Order 5370.8, "Marine Corps Hotline Program," October 2007 (revision currently in progress)

Marine Corps Inspector General Assistance Guide, August 2009

Marine Corps Inspector General Program Investigations Guide, August 2009

Case Management System (CMS) Manual, April 2012

### *Organization Chart and Staffing*

Mission

The Assistance and Investigations (A&I) Division of the Inspector General of the Marine Corps (IGMC) is charged to investigate or inquire into allegations of misconduct, impropriety, mismanagement, or violations of law, and to provide staff overview for all congressional and special interest petitions for IGMC assistance, interest, or action. Additionally, A&I is responsible for the resolution of all complaints against senior officials, including General Officers, Retired General Officers, General Officer selectees, SES, and SES equivalents at the 2-star/O-8 level and below.

Staffing

The A&I Division is one of five divisions within the IGMC (Figure 6.1). The A&I Division is comprised of nine personnel. The management of A&I consists of a director (GS-15), a deputy director (lieutenant colonel), and a Hotline administrator (GS-12).

Figure 6.1 *IGMC Assistance & Investigations Organization Chart*
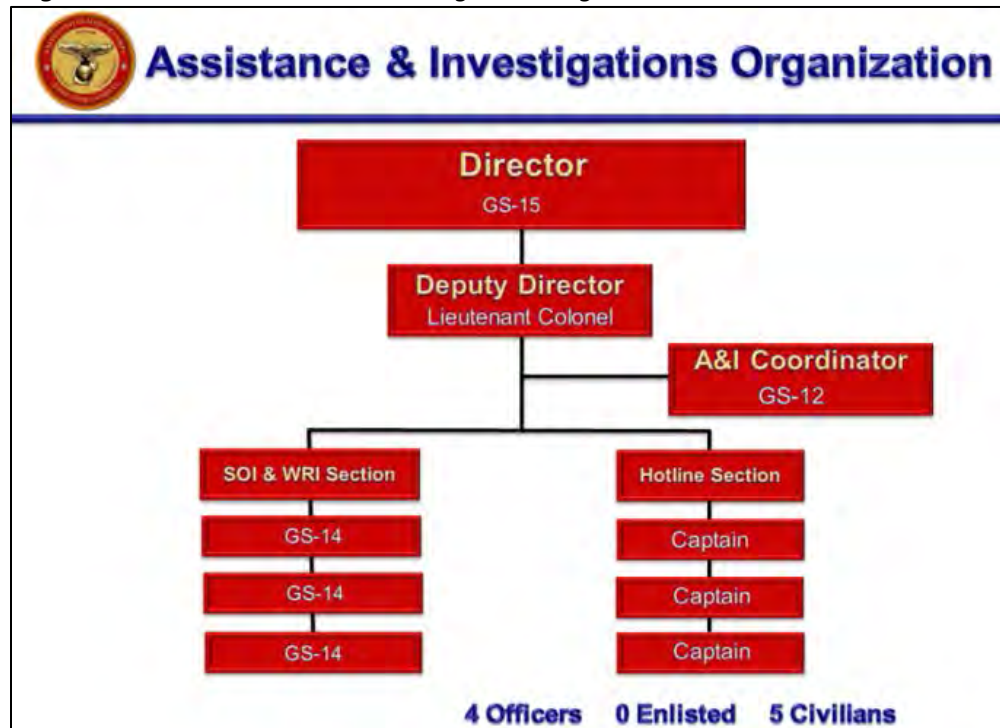
The A&I Division has three GS-14 investigators who are qualified to conduct senior official investigations; however, no investigators are dedicated solely to senior official matters. The same three senior official investigators also conduct all military whistleblower reprisal investigations for the entire USMC. They also conduct Hotline investigations retained by IGMC that contain witnesses across commands or are of special interest to the Commandant of the Marine Corps or the IGMC.

In addition to the three GS-14 senior official/whistleblower reprisal personnel, there are three uniformed active duty billets (2 majors and 1 captain). Currently, two active duty captains and one reserve captain fill these billets. We will lose the reserve captain during January 2015 with no planned replacement. Every member of A&I Division is cross-trained to perform all functions within A&I at his or her level and below. All duties have a primary and secondary action officer.

Fraud Waste & Abuse Hotline

A&I Division is responsible for the USMC Hotline Program. On average, the Hotline Program processes 1,450 cases per year Marine Corps-wide; 350 per year are resolved at the IGMC level by A&I Division. A&I provides oversight and assistance to the remaining 1,150 cases.

Non-Inspector General Inquiries and Investigative Functions

A&I Division also performs a number of investigative duties not related to fraud, waste, and abuse, including responding to taskings from the President of the United States, Congress, SECDEF, Secretary of the Navy, and Commandant of the Marine Corps inquiries. A&I Division is the lead for all investigations directed by the Office of Special Counsel that involve Marine Corps personnel and other matters. Office of Special Counsel cases have very short deadlines and are reviewed and approved by Secretary of the Navy. When A&I receives these cases, other cases suffer, as Special Counsel cases are designated high priority.

Screens

A&I Division screens all officers for promotion, retirement, command, and school seats. On average, A&I Division completes 20,000 name checks annually.

Freedom of Information and Privacy Act

A&I Division processes all Freedom of Information and Privacy Acts requests for records for the IGMC. On average, A&I Division prepares the response and record releases for 30 requests annually.

Teaching and Training

A&I Division is responsible for executing four Mobile Training Teams per year. Once a quarter, A&I Division travels to conduct a weeklong course of instruction on all IG functions. The course is attended by Command Inspectors General and their staffs and is open to Naval IG personnel. Additionally, A&I Division provides briefs at Headquarters Marine Corps Action Officers' Course and The Basic School.

Inspections

A&I Division conducts the Functional Area 316 inspections of 40 Command Inspectors General Hotline Programs on a 3-year cycle. These inspections ensure that all USMC Hotlines are administered in compliance with DoD, Navy, and Marine Corps regulations and policies.

Senior Official Demographics

Table 6.1 depicts the composition of senior officials during FY 2014.

Table 6.1 *IGMC Senior Official Demographics*

FY	Presidential Appointees	General Officers Authorized	General Officers Filled	SES	SL*	Total Senior Officials
2014	0	71	82	23	2	107

*SL – Senior Leaders

Historical Workload and Timeliness Metrics

Complaints Received by FY

Table 6.2 reflects the number of complaints received during FY 2012 through FY 2014.

Table 6.2 *IGMC Complaints Received*

Fiscal Year	Complaints Received
2014	10
2013	4
2012	10

Investigations Closed by FY

Table 6.3 reflects the number of complaints closed during FY 2012 through FY 2014.

Table 6.3 *IGMC Complaints Closed*

Fiscal Year	Complaints Closed
2014	5
2013	8
2012	5

Timeliness Metrics/Trends by FY

Table 6.4 reflects average days from investigation opened to completion.

Table 6.4 *IGMC Average Days to Completion*

| Fiscal Year	Average Days to IGMC Completion	Average Days to DoD OIG Closure
2014	127	180
2013	144	174
2012	112	169

"As Is" State of Operations

Complaint Receipt and Investigative Processes

Intake

A&I Division receives complaints via the Hotline (website, email, fax, telephone), walk-in, and referral. The majority of complaints are made to the Hotline. All Command Inspectors General are trained to refer senior official complaints to IGMC immediately upon receipt. The majority of referrals are from DoD OIG. Figure 6.2 depicts the complaint intake investigative process.

Figure 6.2 *IGMC Complaint Intake Investigative Process*
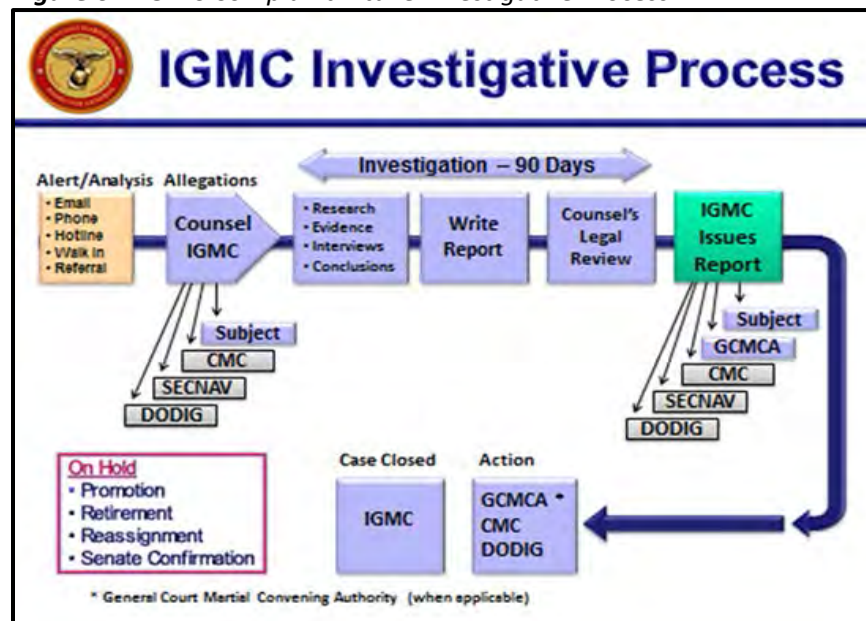
The Hotline administrator enters all complaints into the Case Management System (CMS). There is a primary Hotline administrator by billet/position description, and secondary and tertiary personnel are trained to execute the Hotline duties when the primary is on leave or temporary additional duty. All senior official complaints are immediately routed to the director for review and assigned to an investigator for complaint analysis. On average, it takes 3 days to complete complaint analysis.

Within 5 business days of the receipt of the complaint, IGMC (via the director) notifies DoD OIG of every credible complaint. (Note: In the past 3 years, there have been no complaints determined to be non-credible.) The director assigns a primary and secondary investigator to the case. The primary investigator is responsible for the conduct of the investigation; the secondary must be well versed in the case details in order to assist the primary and, in the event of shifting priorities, assume responsibility for the final product.

The director, along with input from investigators and counsel, analyzes each senior official complaint and recommends a course of action to the Deputy Inspector General and the IGMC. If a preliminary inquiry or an investigation is warranted, an investigator from A&I Division conducts it.

Notification

When an investigation is directed, IGMC notifies DoD OIG (unless the case was referred by DoD OIG), Secretary of the Navy, Under Secretary of the Navy, Commandant of the Marine Corps, the subject's Commander, and the subject. IGMC personally notifies the subject by telephone. The subject is advised of the allegation(s) and his or her rights and responsibilities during the investigative process.

Investigative Plan

After a case is assigned, the primary investigator develops an investigative plan. The investigative plan contains a contact list, notification data, background information (complaint origination), allegations list, standards, witness list, documents list, interview sequence plan, and logistics. The director approves the investigative plan, and the investigator updates the plan throughout the conduct of the investigation as needed.

Interviews

The A&I Division best practice is to conduct interviews in person by the primary and secondary investigators. However, factors such as caseload, budget, and non-investigative duties impact the availability of investigators. The primary investigator can get a second interviewer from the Hotline Section, another IGMC Division, or a Command Inspectors General. When it is not possible to conduct in-person interviews, they are accomplished by telephone, video teleconference, or email. All interviews are digitally recorded, and a contracted company produces a verbatim transcript. The turn-around time for transcription is usually 2-3 business days. The complainant (if known) is always interviewed first. The investigator includes in the investigative plan the recommendation regarding the need for temporary additional duty to conduct an investigation. Investigators are required to accomplish other A&I Division tasks (in conjunction with inspections or mobile training teams), if the case requires travel.

Supporting Documents

Documents are collected electronically (on disc or by email scanning), sent via mail or fax, or retrieved by the investigator in person. All documents collected are listed in the investigative plan. Examples include:

- Personal emails
- Financial records
- Unit log books
- Memorandums
- Open source data
- Official Performance Records
- Medical records

Report Writing

The A&I Division best practice is to write the ROI during the course of the analysis, investigative plan, and fieldwork. All ROIs are peer reviewed by another investigator and edited by the Hotline administrator and deputy director. A&I Division uses a required template for all senior official ROIs. The sections include:

- Investigator and Case File Information
- Background and Summary (origin of the complaint, scope of the IGMC action, allegations, personnel interviewed, standards applied, and outcome of the investigation)
- Findings of Fact
- Analysis
- Conclusions
- Recommendations
- Supporting Documents

Director, A&I Review

The director reviews each ROI and all supporting documents for accuracy, completeness, and readability. The director is involved in the investigative process from complaint receipt through the ROI; therefore, he or she is familiar with the facts and circumstances of the case. This review is typically accomplished in less than 5 business days.

Legal Sufficiency Review

After director review, the investigator provides a copy of the ROI and all supporting documents to counsel, IGMC, for a legal sufficiency review. Counsel works collaboratively with the investigator and the director from allegation formulation until the final draft of the ROI is presented to the IGMC for approval. A legal sufficiency review is routinely accomplished in less than 14 business days.

IGMC Approval

The final ROI and legal sufficiency review are presented to the IGMC for review and modifications, if needed. This phase is usually accomplished in less than 14 business days.

DoD OIG Oversight

The ROI and all supporting documents are transmitted to ODIG-AI ISO Oversight Branch via the electronic records management tool, ARMDEC. DoD OIG may concur, non-concur, or direct additional investigation. The ODIG-AI oversight closure document is maintained in the CMS database. On average, for FY 2012 through FY 2014, ODIG-AI oversight is accomplished in 44 business days.

Technology

Case Management System

CMS is an enterprise-wide SharePoint web application that stores all case data on a centralized database server. CMS is accessible by authorized users with a valid CAC and an account via the IGMC SharePoint website by any computer with a CAC reader and internet capability. CMS provides an intuitive, tab-oriented interface, coupled with efficient navigation.

CMS is the sole IGMC tool to capture all IGMC and Command Inspectors General investigative and assistance activity. Use of CMS is required by Marine Corps Order and is designed to assist in tracking, managing, sharing, and analyzing IG data to support Marine Corps leadership. Case management and trend analysis are the primary objectives of the database. CMS was developed and implemented at no cost to the government except the labor of the lieutenant colonel and the contractor who developed the CMS application and wrote the user's manual.

All senior official complaints are entered into CMS upon receipt. Mandatory data fields must be completed in order to close a case, regardless of outcome (lacked investigative merit, substantiated, not substantiated, or unfounded). Critical supporting documents are required (the original complaint, ROI, legal sufficiency review, and oversight documents). Records are retained in accordance with applicable SECNAV instructions.

Shared Drive

A&I Division utilizes a shared drive with a consistent naming convention for each case file and each document. These files are the official record for all record requests.

Recording Testimony/Verbatim Transcripts

Each interview is digitally recorded and a contracted company produces a verbatim transcript. Each investigator is able to access the system directly, and the turn-around time is less than 2- to 3-business days.

Role of Legal Counsel

One attorney (GS-15) acts as the sole IGMC counsel and is responsible for providing all legal support, advice, and counsel to the IGMC office and its members. The IGMC counsel is involved in the investigative process from complaint analysis through case closure. The counsel assists the investigators in developing allegations and ensuring the appropriate standards are used. The counsel performs a legal sufficiency review for each ROI/ROPI to ensure the facts are accurate, the analysis is complete, and the conclusions are supported. Additionally, IGMC counsel supports A&I Division by teaching ethics and the role of counsel courses at the mobile training teams.

In addition to advising in the senior official process, IGMC counsel provides comprehensive legal advice and support to the IGMC in any area under the cognizance of the General Counsel of the Navy in which the IGMC requires legal or business advice. Those areas include government ethics (including gifts, conflict of interest, and financial disclosure), procurement and fiscal law, civilian personnel law, administrative law, legislation and regulation, and Freedom of Information and Privacy Acts policy. Counsel also represents the USMC in negotiations, assists in the defense of litigation, and advises on Executive, Legislative, or Department-level inquiries.

More specifically, IGMC counsel reviews all IGMC reports of investigation and preliminary inquiries for legal sufficiency (including investigations directed by Office of Special Counsel). Counsel supports the IGMC's training and education mission by developing and conducting training for Command Inspectors General, Staff Judge Advocates, and counsel in USMC commands worldwide. Additionally, when reviewing all reports and documents produced by the IGMC (from all Divisions: Readiness, Inspections, and A&I), counsel provides subject matter expertise in regulation, legislation, and case law. Counsel provides advice directly and confidentially to the Marine Corps IG and Deputy IG for any matter and routinely reviews all Marine Corps IG and Deputy IG correspondence regardless of form (email, memoranda, talking points, etc.). Counsel also serves as a confidential sounding board for the Marine Corps IG and Deputy IG regarding any matter/function under their cognizance, which frequently involves preparing for and attending meetings with senior Headquarters Marine Corps staff, including the Assistant Commandant of the Marine Corps.

Improvements Made to Date

Standard Operating Procedures

A&I Division has a standard operating procedure for every function it performs. In addition to the Assistance and Investigative Guides, there is a CMS User Manual and Desktop procedures. All incoming personnel are trained on every A&I Division function at and below their billet and rank or grade. All standard operating procedures are maintained on the IGMC website for use by the Command Inspectors General.

Templates

A&I Division investigators use a template format so that each IGMC product is consistent and complete. Additionally, A&I Division maintains a template library for all standard correspondence, investigative plans, interview plans, and reports.

Transcription Service

A&I Division previously used a court reporting service. The average turn-around time was 30 days. Additionally, the error rate and inaudible responses were unacceptably high. The current service is more accurate, more timely (the average turn-around time is now 2- to 3-business days), and no more costly.

Training

All A&I Division personnel attend the 3-week DoD OIG Combatant Commander IG Course and the IGMC 1-week mobile training team. Maximum participation is required at any DoD OIG-sponsored training symposium. A&I Division personnel are required to attend the IGMC Annual Training Symposium held each August at Marine Corps Base Quantico. All Command Inspectors General personnel worldwide attend this training. Additionally, all senior official investigators have attended either Army and Air Force IG School or the Federal Law Enforcement Training Center Non-Criminal Investigations Course. Senior official investigators are afforded training opportunities with civilian investigative training courses including: The Reid Course, Scientific Content Analysis (SCAN), and the Association of Inspectors General. Additionally, all A&I Division personnel receive training at the Headquarters Marine Corps Action Officers' Course, Freedom of Information and Privacy Acts training, and all uniformed or civilian proficiency and compliance training required by their rank or grade.

Factors Affecting Timeliness

Internal

The A&I staff, including the senior official investigators, hold a full caseload of non-senior official investigations as well. All A&I personnel are required to accomplish their primary investigation function in addition to general support tasks within the A&I Division and the IGMC. These duties include assistance functions, teaching and training, inspecting, and performing special projects, when assigned. Case maintenance and administration consumes an inordinate amount of time. Without dedicated case support billet(s), all A&I personnel will be bogged down in the administration of a case (faxing, scanning, etc.) and not the substance of the case.

IGMC currently lacks the technical support for CMS. CMS requires weekly maintenance to ensure it is responsive to the IG community of interest within the Marine Corps. Without this technical expertise residing within the IGMC, CMS will degrade over time and ultimately worsen our ability to act in a timely manner. This ultimately slows down action officers in their ability to expeditiously work a case. Additionally, SharePoint has exceptional capabilities we have not yet tapped. This requirement would only endure until D-CATS is migrated throughout the Service IGs. With the addition of a SharePoint programmer, the IGMC would not only be able to increase its efficiency within the senior official realm but also in the other IGMC divisions.

External

Through recent improvements, the DoD OIG tasking process has gotten better over time, but timeliness of case referrals remains a challenge.

Increased collaboration with ODIG-AI ISO oversight in the initial phase of the investigation will prevent unnecessary "staff churn" during the final phases of the investigation.

High-priority, short-fuse tasks require immediate IGMC attention and typically distract from senior official matters. Additionally, the senior official cases are prioritized based on the needs of the Marine Corps. For example, cases that involve senior officials up for Senate confirmation are given higher priority than civilian SES cases because promotion, command, and reassignment are rarely issues for senior official civilians.

"To Be" State of Operations

Optimal Resource Level

In order to optimize further efficiency for the A&I Division, two additional GS-7s, or commensurate military personnel, will be needed to adequately address the caseload capacity. Without additional personnel to provide administrative and case management support, the A&I non-senior official caseload will continue to lag to such a degree that an adverse impact will be realized as an increased and potentially unacceptable delay in those cases. For example, the IGMC currently has over 250 open cases assigned among eight investigators. From 2007 - 2012, the IGMC had 65-90 cases open at any one time. With the current caseload, each investigator is managing 31 cases or more. The CIGIE standard is 13 cases per investigator. This ultimately impacts the ability of IGMC to resolve cases in 90 days. The IGMC is trending closer to a 180-day resolution, on average. This situation is detrimental to a Marine officer awaiting promotion, command, a school seat, a new duty station, or retirement.

IGMC must avoid the upcoming mandatory 20% staff reductions due to take effect in 2017. The reductions translate to the loss of one full-time employee and one enlisted Marine. IGMC is already operating in a surge capacity relative to the workload. IGMC will not be able to sustain a reduction in personnel and continue to meet the required timelines set forth by higher headquarters.

Complaint Receipt and Investigative Processes

IGMC rarely declines a complaint if it is not provided in a timely manner. All senior official cases are handled by IGMC (not Command Inspectors General) and, unlike other Service IGs, IGMC investigates all complaints of reprisal.

Technology

Ultimately, full automation of senior official cases will substantially improve all aspects of the investigative process. An accelerated migration of D-CATS to Service IGs will achieve the type of efficiencies and timeliness required by DoD OIG.

Acronyms and Abbreviations

A&I	Assistance and Investigations Division
AFRES	Air Force Reserve
ANG	Air National Guard
CIGIE	Council of Inspectors General for Integrity and Efficiency
CMS	Case Management System
DAIG-IN	Department of the Army IG – Investigations Division
D-CATS	Defense Case Activity Tracking System
ICMS	Investigations Case Management System
IGMC	Inspector General Marine Corps
ISO	Investigations of Senior Officials
NAVINSGEN	Naval Inspector General
NIGHTS	Naval Inspector General Hotlines Tracking System
OGC	Office of General Counsel
PPWG	Process and Procedures Working Group
ROI	Report of Investigation
SAF/IGS	Secretary of the Air Force Directorate of Senior Official Inquiries
TIG	The Inspector General
WRI	Whistleblower Reprisal Investigations

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